

By Mr. PIERCE: A bill (H. A. 8889) to amend an act entitled "An act to establish a Civilian Conservation Corps, and for other purposes" approved June 28, 1937 (50 Stat. 319); to the Committee on Labor.

By Mr. PATMAN: A bill (H. R. 8890) relating to the ownership of preferred stock, common stock, capital notes, and debentures of banks the deposits of which are insured under the provisions of section 12B of the Federal Reserve Act, as amended; to the Committee on Banking and Currency.

Also, a bill (H. R. 8891) relating to the publication in places where branch banks are operated of statements of resources and liabilities of banks, the deposits of which are insured under the provisions of section 12B of the Federal Reserve Act, as amended; to the Committee on Banking and Currency.

By Mr. RAMSEY: A bill (H. R. 8892) to change and modify the rules of procedure for the district courts of the United States, adopted by the Supreme Court of the United States, pursuant to the act of June 19, 1934, chapter 651, by amending sections 412 and 724 of title 28 of the Code of Laws of the United States of America, and by adding thereto sections 430B, 430C, and 430D, pertaining to pleading and practice in the district courts of the United States, who may sue and be sued, the selection of jurors, the appointment of court stenographers, and for other purposes; to the Committee on the Judiciary.

By Mr. RANKIN (by request): A bill (H. R. 8893) to amend the act approved June 28, 1934, to compensate widows and children of persons who died while receiving monetary benefits for disabilities directly incurred in or aggravated by active military or naval service in the World War; to the Committee on World War Veterans' Legislation.

By Mr. EICHER: A bill (H. R. 8894) to provide for the establishment of fair labor standards in employments in and affecting interstate commerce; to foster, regulate, and promote interstate and foreign commerce in the major agricultural commodities, to provide for the orderly marketing of such commodities, and the disposition of surpluses of such commodities, and for other purposes; to the Committee on Agriculture.

By Mr. HARRINGTON: Resolution (H. Res. 398) to authorize the submission to Congress of a comprehensive plan for the construction of an impounding dam at or near Gavins Point on the Missouri River, near Yankton, S. Dak., and the establishment of an irrigation district below said dam, and the development of hydroelectric power and as a further aid in the control of floods, the return of subsoil moisture, navigation, and for other purposes; to the Committee on Rivers and Harbors.

By Mr. SMITH of Oklahoma: Resolution (H. Res. 399) for the relief of Lora Hill; to the Committee on Appropriations.

By Mr. HAMILTON: Joint resolution (H. J. Res. 557) to provide for the transfer of the Cape Henry Memorial site in Fort Story, Va., to the Department of the Interior; to the Committee on Military Affairs.

#### PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. HALLECK: A bill (H. R. 8895) granting a pension to Mabelle Birch Wallis; to the Committee on Pensions.

By Mr. HENDRICKS: A bill (H. R. 8896) for the relief of the Board of County Commissioners of Brevard County, Fla.; to the Committee on Claims.

By Mr. MILLS: A bill (H. R. 8897) for the relief of the Ouachita National Bank, of Monroe, La.; the Milner-Fuller, Inc., Monroe, La.; estate of John C. Bass, of Lake Providence, La.; Richard Bell, of Lake Providence, La.; and Mrs. Cluren Surles, of Lake Providence, La.; to the Committee on Claims.

By Mr. O'BRIEN of Illinois: A bill (H. R. 8898) for the relief of Quirino G. Polanco; to the Committee on Immigration and Naturalization.

By Mr. O'BRIEN of Michigan: A bill (H. R. 8899) granting an increase of pension to Ruth A. Martin; to the Committee on Pensions.

By Mr. SHANLEY: A bill (H. R. 8900) to place Edwin H. Brainard on the retired list of the Marine Corps; to the Committee on Naval Affairs.

By Mr. TABER: A bill (H. R. 8901) granting an increase of pension to Frances K. Knoblock; to the Committee on Invalid Pensions.

Also, a bill (H. R. 8902) granting an increase of pension to Nettie M. Barker; to the Committee on Invalid Pensions.

By Mr. WELCH: A bill (H. R. 8903) for the relief of Frederick Rush; to the Committee on Military Affairs.

Also, a bill (H. R. 8904) for the relief of Barney Boyle; to the Committee on Naval Affairs.

#### PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

3755. By Mr. LUTHER A. JOHNSON: Memorial of J. E. McDonald, commissioner of agriculture of the State of Texas, Austin, Tex., favoring Senate bill 2215, to extend section 75 of the Bankruptcy Act relating to the farm-mortgage moratorium; to the Committee on Banking and Currency.

3756. By Mr. THOMASON of Texas: Petition of the Women's Missionary Society of the Fort Stockton, Tex., Methodist Church, advocating passage of an amendment to provide for national referendum regarding declaration of war; to the Committee on Foreign Affairs.

3757. By Mr. SHAFER of Michigan: Petition of 10 citizens of Kalamazoo, Mich., favoring an amendment to article XXII of the Constitution of the United States; to the Committee on the Judiciary.

3758. By Mr. ASHBROOK: Resolution of the American Peace Movement, Inc., urging the adoption of House Joint Resolution 553, proposing an amendment to the Constitution relating to the power of Congress to declare war; to the Committee on the Judiciary.

3759. Also, petition of 40 residents of Richland County, Ohio, and adjoining county, favoring the Ludlow war referendum; to the Committee on the Judiciary.

3760. By Mr. THURSTON: Petition of residents of Lucas and Wayne Counties, Iowa, requesting the enactment of House bill 4797, to provide for grants to the States for assistance to needy incapacitated adult persons; to the Committee on Ways and Means.

3761. By Mr. ASHBROOK: Petition of 57 citizens of Coshocton, Ohio, urging passage of Ludlow war referendum resolution; to the Committee on the Judiciary.

3762. Also, petition of 55 citizens of Richland County, Ohio, favoring the Ludlow referendum; to the Committee on the Judiciary.

3763. Also, petition of 14 citizens of Coshocton, Ohio, urging passage of the Ludlow war referendum resolution; to the Committee on the Judiciary.

3764. Also, petition of 38 citizens of Danville, Ohio, favoring the Ludlow war referendum; to the Committee on the Judiciary.

## SENATE

TUESDAY, JANUARY 11, 1938

(Legislative day of Wednesday, January 5, 1938)

The Senate met at 12 o'clock meridian, on the expiration of the recess.

#### THE JOURNAL

On request of Mr. BARKLEY, and by unanimous consent, the reading of the Journal of the proceedings of the calendar day Monday, January 10, 1938, was dispensed with, and the Journal was approved.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the Senate by Mr. Latta, one of his secretaries.

#### SENATOR FROM ALABAMA

Mr. BARKLEY. Mr. President, I understand that the newly designated Senator from Alabama is present and desires to take the oath.

Mr. BANKHEAD. Mr. President, Hon. LISTER HILL, who has been appointed Senator from Alabama, is present and ready to take the oath of office. I request that he be sworn in at this time.

The VICE PRESIDENT. If the Senator-designate will advance to the desk, the oath will be administered.

Mr. HILL, escorted by Mr. BANKHEAD, advanced to the Vice President's desk; and the oath prescribed by law having been administered to him, he took his seat in the Senate.

#### CALL OF THE ROLL

Mr. LEWIS. I note the absence of a quorum and ask for a roll call in order that a quorum may be secured.

The VICE PRESIDENT. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Johnson, Colo.	Pittman
Andrews	Copeland	King	Pope
Ashurst	Davis	La Follette	Radcliffe
Austin	Dieterich	Lewis	Reynolds
Bailey	Donahey	Lodge	Russell
Bankhead	Duffy	Logan	Schwartz
Barkley	Ellender	Loneragan	Schwellenbach
Berry	Frazier	Lundeen	Sheppard
Bilbo	George	McAdoo	Shipstead
Bone	Gerry	McCarran	Smith
Borah	Gibson	McGill	Steiwer
Bridges	Gillette	McKellar	Thomas, Okla.
Brown, Mich.	Glass	McNary	Thomas, Utah
Brown, N. H.	Guffey	Maloney	Truman
Bulkley	Hale	Miller	Tydings
Bulow	Harrison	Minton	Vandenberg
Burke	Hatch	Moore	Van Nuys
Byrd	Hayden	Murray	Wagner
Byrnes	Herring	Neely	Walsh
Capper	Hill	Norris	Wheeler
Caraway	Hitchcock	O'Mahoney	
Chavez	Holt	Overton	
Clark	Johnson, Calif.	Pepper	

Mr. LEWIS. I announce that the Senator from Rhode Island [Mr. GREEN], the Senator from Delaware [Mr. HUGHES], and the Senator from New Jersey [Mr. SMATHERS] are absent because of illness.

The Senator from Oklahoma [Mr. LEE] is detained from the Senate on important public business.

The VICE PRESIDENT. Eighty-nine Senators have answered to their names. A quorum is present.

#### MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its reading clerks, announced that the House had agreed to the amendment of the Senate to the bill (H. R. 5871) for the relief of Ralph B. Sessoms.

#### ENROLLED BILL SIGNED

The message also announced that the Speaker had affixed his signature to the enrolled bill (H. R. 5871) for the relief of Ralph B. Sessoms, and it was signed by the Vice President.

#### ANNUAL REPORT OF THE FEDERAL POWER COMMISSION

The VICE PRESIDENT laid before the Senate a letter from the Chairman of the Federal Power Commission, transmitting, pursuant to law, the annual report of the Commission for the fiscal year ended June 30, 1937, together with additional activities to December 1937, which, with the accompanying report, was referred to the Committee on Commerce.

#### PETITIONS

The VICE PRESIDENT laid before the Senate a letter from Kirchner & Renich, of Minneapolis, Minn., expressing their views on the cause of unemployment, which was referred to the Committee on Education and Labor.

He also laid before the Senate a resolution adopted by the Columbus and Franklin County Council of Parent Teacher Associations, Columbus, Ohio, favoring the enactment of legislation in behalf of permanent peace, which was referred to the Committee on Foreign Relations.

He also laid before the Senate a resolution adopted by the board of supervisors of Contra Costa County, Calif., favoring the enactment of the bill (H. R. 4199) to provide for and promote the general welfare of the United States by supplying to the people a more liberal distribution and increase of purchasing power, retiring certain citizens from gainful em-

ployment, improving and stabilizing gainful employment for other citizens, stimulating agricultural and industrial production and general business, and alleviating the hazards and insecurity of old age and unemployment; to provide a method whereby citizens shall contribute to the purchase of and receive a retirement annuity; to provide for the raising of the necessary revenue to operate a continuing plan therefor; to provide for the appropriation and expenditure of such revenue; to provide for the proper administration of this act; to provide penalties for violation of the act; and for other purposes, which was referred to the Committee on Finance.

He also laid before the Senate a letter in the nature of a petition from the Independent Voters League, of Texarkana, Tex., praying for the enactment of the so-called Wagner-Van Nuys antilynching bill, which was ordered to lie on the table.

#### BILLS AND JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. ASHURST:

A bill (S. 3212) to establish the Administrative Office of the United States Courts, and for other purposes; to the Committee on the Judiciary.

By Mr. McNARY:

A bill (S. 3213) to amend the act entitled "An act authorizing the Oregon-Washington Board of Trustees to construct, maintain, and operate a toll bridge across the Columbia River at Astoria, Clatsop County, Oreg.," approved June 13, 1934, as amended; to the Committee on Commerce.

A bill (S. 3214) to amend the act entitled "An act to establish a Civilian Conservation Corps, and for other purposes," approved June 28, 1937; to the Committee on Irrigation and Reclamation.

By Mr. AUSTIN:

A bill (S. 3215) for the relief of Griffith L. Owens; to the Committee on Claims.

By Mr. KING:

A bill (S. 3216) relating to certain entries for stock-raising homesteads; to the Committee on Public Lands and Surveys.

By Mr. REYNOLDS:

A bill (S. 3217) for the relief of John Quincy Adams; to the Committee on Claims.

By Mr. BULKLEY:

A joint resolution (S. J. Res. 244) authorizing the Secretary of War to construct a dam for the storing of water for recreational and conservational purposes in Cowan Creek Valley, Clinton County, Ohio; to the Committee on Commerce.

#### PREVENTION OF AND PUNISHMENT FOR LYNCHING—AMENDMENT

Mr. McKELLAR submitted an amendment intended to be proposed by him to the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching, which was ordered to lie on the table and to be printed.

JACKSON DAY DINNER ADDRESS BY SENATOR LONERGAN AT NEW HAVEN, CONN.

[Mr. BARKLEY asked and obtained leave to have printed in the RECORD an address delivered by Senator LONERGAN at the Jackson Day dinner, New Haven, Conn., January 8, 1938, which appears in the Appendix.]

#### FEED AMERICANS FIRST—ADDRESS BY SENATOR REYNOLDS

[Mr. REYNOLDS asked and obtained leave to have printed in the RECORD a radio address delivered by him over the Mutual Broadcasting Network on Monday, January 10, 1938, on the subject Feed Americans First, which appears in the Appendix.]

ADDRESS BY HON. HENRY A. WALLACE AT JACKSON DAY DINNER, DES MOINES, IOWA

[Mr. HERRING asked and obtained leave to have printed in the RECORD an address delivered by Hon. Henry A. Wallace, Secretary of Agriculture, at the Jackson Day dinner held in Des Moines, Iowa, on the evening of January 8, 1938, which appears in the Appendix.]



## DEMOCRACY AT WORK—ADDRESS BY JAMES W. MORRIS

[Mr. HARRISON asked and obtained leave to have printed in the RECORD an address delivered by James W. Morris, Assistant Attorney General, at the Jackson Day banquet, Concord, N. H., January 8, 1938, which appears in the Appendix.]

## THE LIQUOR TRAFFIC

[Mr. FRAZIER asked and obtained leave to have printed in the RECORD a letter from the American Business Men's Research Foundation, addressed to the President of the United States and the Members of the Congress of the United States, relative to the liquor situation, also a memorandum from the same organization as to the record of the legalized liquor traffic from 1933 to 1937, and also correspondence with the Federal Government of Mexico in regard to the official program of alcohol education, which appear in the Appendix.]

## SEPARATION OF PHILIPPINE ISLANDS FROM THE UNITED STATES

[Mr. GIBSON asked and obtained leave to have printed in the RECORD an editorial appearing in the American Chamber of Commerce Journal of Manila, P. I., relative to the separation of the Philippine Islands from the United States, which appears in the Appendix.]

## PREVENTION OF AND PUNISHMENT FOR LYNCHING

The Senate resumed consideration of the bill (H. R. 1507) to assure to persons within the jurisdiction of every State the equal protection of the laws and to punish the crime of lynching.

The VICE PRESIDENT. When the Senate took a recess yesterday the Senator from Georgia [Mr. RUSSELL] had the floor. The Chair understands, however, that the Senator from Georgia desires to yield to the Senator from South Carolina [Mr. BYRNES].

Mr. RUSSELL. Mr. President, yesterday afternoon I gave notice that I desired to take the floor this morning. It has developed that the Senator from South Carolina, who is in charge of very important business of this body, finds it more convenient to address himself to the pending measure at this time than at some later date. I will, therefore, defer my remarks until the conclusion of the remarks of the Senator from South Carolina.

Mr. BYRNES. Mr. President, lynching is murder. The fact that the murder is committed by a mob does not lessen the offense, it only aggravates it. Murder is punishable by the laws of every State in the Union. In many of the States the penalty is death. The only justification, therefore, for this bill must be that the States of the Union have not enforced, to the satisfaction of the authors of the bill, the law against persons guilty of murder. These authors want the Federal Government to do that which they believe certain States have failed to do.

The purpose of this bill, as declared in its title, is "to punish the crime of lynching." Its title should be, "A bill to arouse ill-feeling between sections, inspire race hatred in the South, and destroy the Democratic Party."

That there is no justification for the bill is evident from the statistics often quoted, that out of more than 130,000,000 people in this country, only 8 were lynched during the year 1937. There is nothing of which the people of this Nation can more justly be proud than the fact that since 1883, when there were 238 lynchings, there has been a steady decline in the number of lynchings for each 10-year period until 1937, when only 8 men died at the hands of mobs. It is my hope and the hope of every good man in the South that soon the day will come when not a single murder of this kind will occur in the United States.

The year 1883 is the first for which we have statistics as to the crime of lynching. At that time 40 percent of the victims of lynching were white persons, 60 percent Negroes. Most of the cases in which white persons were lynched occurred in the West. The lynching of Negroes occurred in the South. In order to understand lynchings in the South one has to recall the conditions existing in the Southern States following the War between the States. The recon-

struction period came to an end in 1876. Its evil effects, however, lived for years thereafter. I think I understand how the South came to suffer during that period. I remember that at the close of the World War every soldier across the seas who had a home or a business to which he desired to return was pleading for immediate discharge. It caused me to believe that at the close of the War between the States the same thing had occurred. After being away from home and business for 4 years, every good man in the Union Army desired immediate discharge. Those who voluntarily remained in the South were, as a general rule, the men who cared little for home and little for business.

The Government, in its well-intentioned efforts to aid the Negro, had placed the ballot in his hands. The adventurers who remained in the South led these Negroes just released from slavery, with no experience in self-government, in directing the governments of the Southern States. The liberated slaves were given not only liberty but license. Under corrupt governments, with dishonest and unscrupulous judges and jurors, the property of the people was confiscated, white men were killed, and white women outraged.

In those days we did not have the means of communication now at hand. When the people of the South complained of the outrages that were being perpetrated by the carpetbaggers and scalawags then misleading the freed slaves, the soldiers of the North learned of it only through a partisan press. I can well understand that they believed the complaints to be untrue, and I can understand how they concluded that the people of the South were poor losers and were still disloyal to the Government of the United States. Today they know that those complaints were justified; and no man of the North who has ever investigated the happenings of the reconstruction days in the South offers any justification for it.

When the first statistics of lynchings were compiled, lynching occurred in the South because the victim of the mob had committed the crime of rape. In recent years in some cases that has not been the cause of lynching. It was inevitable that once men took the law into their own hands to punish the violator of one law, other men would resort to lynching for other causes.

Men may not agree upon all the factors contributing to the remarkable improvement in the decreased number of lynchings. However, they will agree that one factor was the certainty of punishment bringing fear to the hearts of the criminal Negro; and all will agree that an even greater factor has been the action of the law-abiding people of the South, patiently educating the citizenship that the commission of one crime did not justify the commission of another, and consistently upholding and supporting courageous officers of the law who protected prisoners. Pulpit and press have done more to stamp out lynching than all the laws that have been enacted in Southern States to prevent it.

The South is proud of its record in preventing this crime. It makes it all the more difficult for the South to understand why at this time the Congress should seek to enact legislation based solely upon the idea that it has not only failed but refused to enforce its own laws; that its people are incapable of electing honest and courageous officers; that they can be driven into enforcement of the law only by the threat of being sent to jail or being fined by the Government of the United States.

If the Federal Government is determined to destroy the sovereignty of the States and assume control of the police powers within the States, why should its power be limited to the one crime which has decreased, and not be extended to cover the crimes which have increased?

Take the crime of rape, to which I have referred as being the cause of lynching in the majority of cases: The Second Quarterly Bulletin issued in 1937 by Hon. J. Edgar Hoover, of the United States Department of Justice, sets forth statistics of crimes occurring in cities having a population of over one hundred thousand. It gives the figures for the first 6 months of each year from 1931 to 1937. It shows that for the first 6 months of 1931, in cities of over one

hundred thousand, rape occurred in 568 cases, and that the number of cases had increased each year until in the first 6 months of 1937 there were 891 cases. He states further that the daily average of cases for the first 6 months of 1937 was 4.9. That means that each day during the 6 months there were five cases of rape in the 67 cities which have a total population of 19,000,000. If the same ratio should prevail in the other cities and in the rural districts of the country, it would mean that in the first 6 months of last year there were more than 5,000 cases of rape in the country. For the entire year it would be 10,000 cases.

In this terrible record of increase in so heinous a crime, the authors of this bill see no justification for the Federal Government enforcing the law; but when eight men are lynched in the entire year of 1937, the Congress must enact law to have the Government punish the duly elected officers of the State, and make the counties liable in damages.

The authors of this bill may say there is a difference in the offense. There is. In the case of rape, the victim is innocent. In the case of lynching, the victim is a criminal, or at least suspected of being a criminal. The proponents of this bill want the United States Government to protect the savage criminal, but deem it unnecessary for the United States Government to protect the innocent girls of the Nation!

Is the passage of this bill justified because of the inability of State governments to arrest and convict those guilty of the crime of lynching? I do not want to cite the record of crimes in other States; but, if anyone is interested in the record, I ask him to read the reports compiled by Mr. Hoover, of the Department of Justice, showing the lack of enforcement of the laws against rape in many of the States of the Union. Because this bill seeks to give to the United States Government the power to prevent lynchings within the States, it is fair to ask whether the record of the United States Government in the enforcement of the law against kidnaping justifies the belief that more offenders would be arrested; and one cannot forget the record of the United States courts in the enforcement of the prohibition law.

I discuss only the question whether or not we can look with any great hope to the United States Government more effectively to enforce this law. The Senator from Idaho the other day most ably and eloquently discussed this question. Does the record as it stands justify the belief that more offenders of the crime against lynching would be arrested by the United States Government within the States? Can one forget the record of the United States Government in the enforcement of the prohibition law? That record is fresh in the mind of each of us.

In the enforcement of the prohibition law the United States Government had the cooperation of State officials. In every State there was a majority, or at least a strong minority, in favor of the enforcement of the national prohibition law. Notwithstanding that, we found State officials becoming indifferent as to the prosecution of offenders for violation of State laws; and the lack of enforcement of the Volstead Act finally resulted in the successful fight for repeal.

Another factor that has contributed to reducing lynchings in the South is the fact that there has been fewer assaults by Negroes on white women. That, in turn, has been due to the moral improvement of the Southern Negroes. The development of the race in this respect is due to the cooperation of the white people of the South. The South is proud of what it has done to educate the Negro. The Negro problem is our problem; but the problem was forced upon us. The Negro was brought to the South by the slave traders of the North. The slaves were freed by the North and given citizenship without giving the slightest thought to their capacity for citizenship. Notwithstanding the deplorable conditions existing in the Southern States following the war, and particularly following the days of reconstruction, the white people of the South have recognized that they must furnish the opportunities of education to the Negro in their midst.

The record in South Carolina is typical of the entire South. I have before me the figures for 1934 showing that

the average number of days that school was attended by white children was 137. The average number of days of school attendance by Negro children was 129. The enrollment of the schools in South Carolina was 257,870 white children and 228,842 Negro children. The ratio of enrolled school children to population between 5 and 17 years of age was 82.4 white children and 79.5 Negro children.

It is this education and the patient, persevering efforts of the leaders of the Negro race, as well as the leaders of the white race, that have resulted in the moral improvement of the Negro, reflected in the reduction of attacks which have been the cause of lynchings in the South.

The economic development of the Negro has been encouraged in every possible way by his southern neighbors. The number of Negro property owners in the South will greatly exceed the number of property owners in other sections. In the courts of the South the Negro has always been fairly treated.

I remember some years ago that Booker T. Washington was making a speech in the city of Brooklyn. To my mind, he was the greatest leader his race has ever produced. Preceding Washington, a white man in public life made a speech. In order to elicit applause from the Negro audience he stated that in the courts of the South the Negro did not receive justice. Following him, Booker Washington stated that he could not let the statement pass unchallenged; that in his opinion the Negro always received justice in the courts of the South, and the only complaint he had was that sometimes the white men did not.

In my opinion, Booker Washington's statement was accurate. In a long experience, first as court reporter, then as prosecuting attorney, and as a practicing lawyer, I have never known a case where a Negro defendant in a court, even where the race question was involved, was not justly treated. The average jury of white men in the southern courts have two yardsticks by which to measure a defendant. One yardstick applies to the white defendant. The question is solely as to his guilt or his innocence. An entirely different yardstick is applied by a jury of southern white men to a Negro defendant. Having served as prosecuting attorney, I know the difference. I know that often when a jury retired to the jury room some juror would be heard to argue, and we would hear the argument, that the Negro should not be held to the same accountability as a white man; that he lacked the education and the moral training; that for him some allowance should be made; that even if there were doubt as to his guilt, it would be better to send him back to his work rather than to convict him and place him by the side of criminals; that he would make a better citizen if given another chance; that he would sustain sufficient punishment in having to employ lawyers to present his defense. These and other similar pleas prevailed too often and defendants were acquitted.

I know that in my own experience as a prosecuting attorney whenever there came into my hands a case against a white man for the murder of a Negro I found myself giving more time and more energy to the prosecution of the defendant than in other cases. I have no apology to make for it; I knew the latent prejudice in the hearts of men. I did not want even a suspicion justified as to indifference in prosecution.

On one occasion, in submitting a case to a jury in the county which had possibly the worst reputation for lack of enforcement of the criminal laws, I remember stating to the jury that if they found the white defendant not guilty because of the fact that he was a white man, if they were willing to violate their oaths, they ought at least to have the courage to write in pencil beneath the verdict, "Because he killed a Negro." I made that plea in the hope that if on the jury there was a man who entertained such a prejudice he would be shamed into taking a different course. I rejoice to say that in that case there was not an acquittal.

In the county in which I reside white men have often been convicted either of murder or assault and battery upon Negroes. In cases where property rights are involved there is not a man familiar with the courts of the South who will not say that the Negro receives justice.



Mr. President, even if the pending measure were constitutional, even if it were wise, it would be ineffective if enacted. Years ago the State of South Carolina, in its effort to prevent lynchings, enacted a law making a county in which a lynching occurred liable to the estate of the victim. That was written into the constitution of South Carolina in 1895. It was part of the campaign on the part of the leaders of the white men in the South to stamp out lynching. But we found, as men have always found, that public sentiment is necessary for the enforcement of any law. What was the record in our State as a result of the efforts, sought to be revived in the pending bill, to hold the taxpayers of a county liable where a lynching occurred?

Pursuant to the constitution of 1895 a statute was enacted in 1896. State-wide publicity was given to the action of the constitutional convention and the legislature. In the early part of 1898 a suit was brought under the statute and a fine was actually paid by the county. A verdict for the plaintiff was directed by the court. Instead of the number of offenses being reduced, the number of lynchings in the following year increased, so that instead of being 4, as in 1896, South Carolina had in 1898 14 lynchings, the largest number ever recorded in the history of the State.

Thereafter no suit was brought for a number of years. Lynchings were reduced in number. In 1915 another suit was brought, and again a fine was paid. The only result was that in 1916 there was an increase in lynchings from one to two.

In 1920 another suit was brought. A fine of \$2,000 was paid, and the following year lynchings increased from one to five.

Again, in 1924, there was a lynching, the fine was paid, and in 1925 there were no lynchings, but in 1926 there were three. In most of these cases verdicts were directed by the court.

In 1930, however, the supreme court of the State held that the question of whether the facts of a case constituted a lynching should be determined by the jury. The jury in the case, after the facts had been placed before it, decided that the crime was a murder and not a lynching. This followed in 1931 by a decision of the supreme court that it could not by mandamus compel county officers to levy a tax they were unauthorized by legislation to levy in order to pay a judgment against a county, but could compel county officials to include the amount in an estimate of the amount necessary to meet county expenses. The effect of the decision was to prevent the payment of the judgment.

If the bringing of such suits had previously resulted in deterring lynchings, these decisions of the courts should have offered encouragement to them. They should have resulted in an increase in the number of lynchings; but the fact is that in the year following there were no lynchings, and none the following year. It is a matter of gratification that from 1934 to this date there have been no lynchings in the State of South Carolina.

The enactment of the pending measure would do the greatest possible injury to the very people whom its authors declare they want to help. The records show that last year approximately 50 lynchings were prevented. Today in all the South there is not a man holding the office of Governor who does not cherish as his ambition that during his administration there shall be no lynching within his State. To achieve this, the officers of the law are on the alert at all times. If there is even a suspicion that a criminal is in danger he is taken to the State penitentiary for safekeeping. How will these Governors feel if the Congress of the United States, by enacting the pending bill, declares to the world that they are either incapable or unwilling to enforce the laws of their States? Disappointed and disgusted, they would be less than human if they did not say to the Federal Government, "If you assume the responsibility of enforcing this law, then protect these criminals." Every man knows what would be the result. We saw it in the attempt to enforce the prohibition law, where the constitutional amendment was ratified by the States themselves. This action would be attempted in defiance of the States and in a flagrant effort to degrade and humiliate them.

What about the sheriffs? Throughout the South many of them have not only sacrificed their political lives but they have gone to their graves defending Negro criminals against the attacks of mobs. By their heroism and courage they have succeeded in stamping out lynching. Is the Congress now to reward their sacrifices by humiliating them and the States they serve?

Mr. CONNALLY. Mr. President—

The PRESIDING OFFICER (Mr. JOHNSON of California in the chair). Does the Senator from South Carolina yield to the Senator from Texas?

Mr. BYRNES. I yield.

Mr. CONNALLY. On the point just made by the Senator, I call his attention to the fact that he has on his desk data showing that in 1937 in 56 cases officers protected, sometimes at the risk of their own lives, those charged with offenses, and prevented lynchings, whereas there were only 8 actual lynchings in the entire United States. Fifty-six times the officers of the law prevented lynchings.

Mr. BYRNES. Mr. President, every man who lives in the South is familiar with such cases. I recall that in the county in which I once resided the sheriff, who was my dearest friend, in attempting to arrest a Negro bootlegger, was killed, and the throat of his deputy was cut so that he was in danger of death. That deputy time after time had gone into danger, aiding Sheriff Howard, of Aiken County, in enforcing the law. He saw his friend, his chief, dead. When a mob sought to lynch the Negro, it was the plea of the deputy sheriff, with blood flowing from his neck, that caused those men, whose passions were aroused, to refrain from lynching the Negro prisoner.

The case had a tragic ending. The Negroes involved were taken to the penitentiary for safe keeping. When they were placed on trial, attorneys were appointed to defend them. Then the National Association for the Advancement of Colored People intervened and employed counsel who were not residents of the county to come into the county to defend the Negroes who were on trial. As a result there occurred something that caused the good people of that county to hang their heads in shame. The Negroes were taken from the officers and were lynched. It was the last lynching that occurred in this county. The responsibility for it can be placed at the door of these nonresidents, these people in New York who intervened, and who caused men to do that which they had refused to do in answer to the plea of the deputy sheriff in the presence of his dead chief.

Mr. President, a law enacted by the Congress cannot be enforced where the people of a State believe they are being unjustly treated. Last Saturday the Governor of South Carolina announced that if this bill should be enacted never again would he order out the National Guard, that he would leave it to the United States Government to protect any defendant threatened. That statement was carried in the newspapers of Sunday. Other Governors will feel the same way. Today our Governor has one man in the penitentiary for safekeeping. During his term there has been no lynching, and he is proud of it and the people of our State are proud of it.

When the Congress of the United States rewards the efforts of the chief executives of sovereign States by indicating lack of confidence in them through the enactment of such a measure as that before us, what will occur? Would anyone hesitate to say it would be lack of due diligence on the part of a Governor not to order out the National Guard? The Governors have been ordering out the National Guard when circumstances seemed to warrant it. Under the terms of the pending bill the officers of a State charged with the enforcement of the law can be prosecuted if they fail to exercise due diligence. If the Governor of a State is charged with failure to enforce the law, is he to be prosecuted? If so, by whom? I visualize the spectacle in my own State. The Governor of South Carolina, because he fails to order out the National Guard in some instance, is charged with lack of due diligence. Who is to prosecute him? I see the United States district attorney in South Carolina prosecuting him. I know what would occur, in all probability. Fearing that

his efforts might be under suspicion by those who are in control of the administration of law at this time, he would ask that a lawyer be assigned from the Department of Justice. That is done in many cases. If he did not do it, I know that if the National Association for the Advancement of Colored People asked that a man be sent to assist the United States district attorney in the prosecution, one would be sent.

I think to complete the picture, if that should ever occur, they ought to send the Negro who is now assistant attorney general.

Mr. President, I know what would happen. Regardless of any views that the people might at that time entertain with regard to their Governor, he would be made a hero if he was prosecuted for a violation of this law. Worse than that—the law-abiding white people who have been responsible for building up public sentiment which has resulted in stamping out this crime, when they turn in resentment and countenance or acquiesce in the failure to enforce this law, their policy will soon influence criminals among the white people of the South.

Mr. CONNALLY. Mr. President—

The PRESIDING OFFICER (Mr. SCHWELLENBACH in the chair). Does the Senator from South Carolina yield to the Senator from Texas?

Mr. BYRNES. I yield.

Mr. CONNALLY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Connally	Johnson, Colo.	Pittman
Andrews	Copeland	King	Pope
Ashurst	Davis	La Follette	Radcliffe
Austin	Dieterich	Lewis	Reynolds
Bailey	Donahay	Lodge	Russell
Bankhead	Duffy	Logan	Schwartz
Barkley	Ellender	Loneragan	Schwellenbach
Berry	Frazier	Lundeen	Sheppard
Bilbo	George	McAdoo	Shipstead
Bone	Gerry	McCarran	Smith
Borah	Gibson	McGill	Steiwer
Bridges	Gillette	McKellar	Thomas, Okla.
Brown, Mich.	Glass	McNary	Thomas, Utah
Brown, N. H.	Guffey	Maloney	Townsend
Bulkeley	Hale	Miller	Truman
Bulow	Harrison	Minton	Tydings
Burke	Hatch	Moore	Vandenberg
Byrd	Hayden	Murray	Van Nuys
Byrnes	Herring	Neely	Wagner
Capper	Hill	Norris	Walsh
Caraway	Hitchcock	O'Mahoney	Wheeler
Chavez	Holt	Overton	
Clark	Johnson, Calif.	Pepper	

The PRESIDING OFFICER. Ninety Senators having answered to their names, a quorum is present.

Mr. BYRNES. Mr. President, when interrupted I was discussing the effect that efforts to enforce this law would have upon the public sentiment in the State where prosecutions resulted. I can think of nothing worse than a prosecution under this law.

The Governors, the State prosecuting attorneys, or the sheriffs in the State of South Carolina, who have labored to stamp out lynching; who have at times pleaded at the risk of their lives for the preservation of law and order, if prosecuted by the Federal Government, will be found resenting interference by the United States Government in administering the police power of the State. As they denounce this law the criminal white man will be encouraged to violate other laws, and the result of it all will be that the race hatred aroused will bring untold suffering to the unfortunate Negroes of the South who today know nothing of the political activities of the professional Negro politicians of the North, and who, if they could speak to you, would plead to be let alone to work out their salvation with the aid of their white neighbors in the South.

In view of the fact that lynching as a crime has been practically stamped out, no man can seriously argue that the purpose of this legislation is to prevent that crime. That might have been said in 1883; it cannot be said today. No matter how wrong it might have been, it would have been possible to understand the motives of the proponents of such a bill in 1883. We could understand it, too, if it came from

Thaddeus Stevens, who wanted the South treated as a conquered territory. But even Stevens did not attempt this. Not all the blind hatred nor all of the passion of the days succeeding the war induced the political partisans of that day to propose this legislation, notwithstanding the large number of lynchings which then occurred. Now that the crime is no more, a Senator from New York proposes to do what Stevens did not and would not do. I know that Stevens in his attacks upon the South was prompted by motives different from those prompting the Senator from New York. Stevens was prompted by hatred. The Senator from New York is not prompted by hatred. He is prompted by hope—the hope of securing votes from the Negroes of New York City.

No man will deny that this bill is aimed at the South. If the purpose be not to prevent crime, if Senators will agree with me that it will be ineffective, then its purpose must be either to punish the South for what occurred in the past or to promote the political fortunes of some people in public life at present. If the purpose be to punish the South for its past history as to lynching, notwithstanding the fact that this offense has practically disappeared, I ask, Who are these people to be thus punished? Are they aliens? No. In South Carolina less than one-half of 1 percent of the population is foreign born, and the percentage of children of foreign-born parents is not much greater. They live in what Thaddeus Stevens called a conquered territory; but surely they have proved their loyalty to the United States Government.

We claim to possess no superior patriotism, but we assert that the loyalty of the people of the South to the United States Government in the years that have passed justifies us in expecting that at least we shall not be punished or humiliated. After all the ill-feeling engendered during the War between the States and during the days of reconstruction, when some years later the Nation went to war the soldiers of the South followed Joe Wheeler to Cuba, fighting under the flag of the United States. In the World War they again demonstrated their loyalty. They did not wait to be drafted. The county of Union, adjoining the county in which I reside in South Carolina, did not have one man drafted into the Army of the United States in the World War. It did not have one man drafted, because under the system that prevailed a county was given credit for its volunteers, and so many men volunteered before the draft was put into operation that it did not affect a single man in that county.

When the Hindenburg line was broken the National Guard of South Carolina, part of the Thirtieth Division, composed entirely of Southern men, was fighting beside the Twenty-seventh Division, of New York, its National Guard division. Of the first 75 Congressional Medals of Honor awarded to the heroes of the war, 6 were awarded to South Carolinians, and about a dozen in all to the Thirtieth Division, comprised entirely of southern soldiers. I earnestly submit that since the War between the States the people of the South in time of peace as well as war, have so amply demonstrated their loyalty to this country that there can be no excuse for any Congress seeking merely to inflict punishment upon them for the record of lynchings in the past.

Mr. President, if this legislation is proposed not to prevent a crime which has practically disappeared and not to punish the people of the South, then it can have but one purpose, as I stated a moment ago, and that is to promote the political fortunes of some gentlemen in public life today.

Mr. President, this bill was first proposed by Representative Dyer, a Republican Member of the House from Missouri. I desire to recall the history of this proposed legislation. It was considered by the House in December 1921. I was then a Member of that body. The Democrats constituted a small minority of the House of Representatives; but they stood together in opposition to a bill similar to this. They endeavored to filibuster even to the extent of breaking a quorum of the House. I recall the gallant fight made by the small minority to defeat legislation of this kind. Who did it? who conducted the filibuster against it in the House? Among those then in the House of Representatives who voted to prevent the consideration of the bill and who



voted against its passage was the present distinguished Vice President of the United States, Hon. John N. Garner, who now presides over this body. Was he in favor of lynching? Was the Vice President of the United States willing to give countenance to those who were violating the law? No. Garner, of Texas, followed Garrett, of Tennessee, in filibustering against such legislation because he believed first that it was unconstitutional and second that it was unwise.

Who else opposed legislation of this character in 1921? I see the Senator from Texas [Mr. CONNALLY] present. He was among those then serving in the House of Representatives who opposed it. The Senator from Arizona [Mr. HAYDEN], the Senator from Mississippi [Mr. HARRISON], who were then Members of the House, also opposed it, and, in addition, among those in the House from the South who opposed and filibustered against its passage was the distinguished Democratic leader of this body, the Senator from Kentucky [Mr. BARKLEY]. Under the leadership of Garrett, Garner, Barkley, Connally, Harrison, Byrnes, and others followed in the effort to filibuster a bill similar to this to death. Under the rules of the House it was not possible to kill it, and the bill came to a vote in January and was passed. The southern Democrats were joined by many men from without the South. Among those who voted against that bill were five Representatives from the State of California. There was one from Idaho, Mr. French. There were two from Maryland, Goldsborough and Linthicum, and Hawes, of Missouri, and Hersey of Maine, who opposed the Dyer bill in 1921.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. BYRNES. I yield to the Senator from Texas.

Mr. CONNALLY. Does the Senator recall that one of the ablest and most effective speeches made against that bill in 1921 was made by Representative Hersey, of Maine, the State which is now represented in part by our distinguished friend, the senior Senator from Maine [Mr. HALE]? One of the most convincing and strongest speeches against that lynching bill was made by Mr. Hersey, of Maine. I heard it on the floor of the House.

Mr. BYRNES. Mr. President, I well remember that speech, and it was because it came back to my mind that I stopped to emphasize the name. Few of us who ever heard that speech will forget it, and certainly men who live in the South will not forget Mr. Hersey.

Amongst others who voted against the bill who were then in the House of Representatives were Jones, of Pennsylvania; Kelly, of Michigan; Kincheloe, of Kentucky; Thomas, of Kentucky; Rouse, of Kentucky; Cantrell, of Kentucky, or rather he was paired against it; and Barkley, of Kentucky; Luce, of Massachusetts; Parker, of New Jersey; Sinnott, of Oregon; and Stafford, of Wisconsin, who joined with the Democrats in the House of Representatives in an effort to prevent the passage of the bill.

At that time there were not eight lynchings as in 1937. No; in 1921 when the present Vice President of the United States, the Senator from Kentucky [Mr. BARKLEY], the Senator from Texas [Mr. CONNALLY], the Senator from Mississippi [Mr. HARRISON], who were then Members of the House, and others were fighting against the bill, there were 62 lynchings in the United States. There might have been some excuse for talking about the lack of enforcement of law at that time. Did these men oppose the bill because they favored lynching? No. They knew not only that the bill was unconstitutional but they knew it was unwise. They knew that the States of the South should be left to work out their own salvation. They urged that the States of the South be given a chance to enforce their laws.

Mr. President and Members of the Senate, the history of events has demonstrated the wisdom of the course they advocated, for, contrasted with 1921, with its record of 62 lynchings, we had in 1937 only 8 lynchings throughout the country.

Mr. President, that bill came over to the Senate, and when it reached here Oscar W. Underwood was the Democratic leader of this body. He was as distinguished a states-

man, as patriotic an American as ever served in the House or the Senate. He was against this measure, and, with the support of his associates, announced his intention to filibuster against it. The filibuster succeeded; Underwood was followed by the Democrats of this body, and the South was enabled to continue its successful efforts to prevent lynchings.

O, Mr. President, I know now that a different condition exists in this country. In that earlier period, in 1920, and in the years succeeding it, when a bill such as this was offered, it came not from Democrats; it came from Republicans. It was proposed by Dyer, a Republican from Missouri, just as the Force bill in the previous years had come from the Republican side of the Congress. When the Force bill was pending in the Senate it was filibustered to death. The Senators from the South then had the assistance of northern Democrats. In the memorable debate upon the Force bill southern Democrats knew that they could hear the voice of Voorhees, of Indiana, of Turpie, Blodgett, and McPherson, of New Jersey, of Gray, of Delaware, and of others from the border States who joined southern Senators in the long fight, which finally succeeded and enabled the South to work out its own destiny. The assistance of these Democrats from the North was cheerfully given and never forgotten.

The South has ever been loyal to the Democratic Party. It took religious prejudice, which throughout the ages has influenced the thoughts of mankind, to cause the South even to waver in its party loyalty; but, even then, I assert the Democrats of South Carolina proved their loyalty. In 1928 the people of the South were not in favor of the nomination of Al Smith for President. In the first place, the majority of the voters had voted for prohibition. Governor Smith was opposed to prohibition. In addition, there were those who believed that while Governor Smith had an intimate grasp of State affairs, he did not possess sufficient acquaintance with national and international affairs to make him the best possible candidate. There were some who were not favorably impressed by his speeches, and then there were those—too many—who permitted their religious views to influence their political views. Notwithstanding the fact that the delegation from my State had voted against his nomination, once he was nominated the Democrats of South Carolina supported him with the same loyalty and, if anything, greater zeal than they had accorded any previous Presidential candidate. When during the campaign the poison distributors of both parties attacked Governor Smith because of his religious views, it caused the active support of men who never before had taken an active part in politics. The wounds of that campaign remained for a long while, but certainly in South Carolina the Democrats won the support for Smith by recalling that the Democrats of New York City, in particular, had stood by the South in all the fights that had ever been waged to injure the South. Upon every stump there was recalled the defense of Jefferson Davis by the brilliant O'Connor, of New York. While religious prejudice was victorious elsewhere, in South Carolina Governor Smith was given 9 out of every 10 votes cast in the State. Political gratitude was more potent than bigotry and intolerance.

But today what a difference! The greatest change in the political history of America has taken place. In the Senate there are 96 votes, and 76 Senators are registered as Democrats. Proponents of this bill claim 70 votes. I know of two or three Republicans who are disposed to vote against it. I must believe if the poll announced by the advocates of the bill is correct, that 55 out of the 76 Democrats of this body are counted in support of the bill. The lone voice coming from the North thus far in defense of the South and in opposition to this bill is that of the Republican Senator from Idaho [Mr. BORAH].

I would lose respect for the South should the day ever come when southerners fail to remember that speech and be grateful to him for it. I hope other Republicans will be found voting against the bill. But, Mr. President, we

have no claims upon them. If they vote against this bill, they will do it only because they believe the bill to be unconstitutional and unwise.

Democrats of the South have no justification for an appeal to the Republicans of the North. Southern Democrats have never voted for a Republican candidate. They have never learned how to scratch a Democratic ticket. It undoubtedly is true that the unity of the white people in the South in supporting the Democratic Party has been due to the belief that when problems affecting the Negro and the very soul of the South arose, they could depend upon the Democrats of the North to rally to their support.

Mr. President, southern Democrats may as well realize now the change that has taken place. If statements of Democratic Senators on political conditions in their States can be accepted as true, today 90 percent of the Negroes of the North, instead of voting for Republican candidates, are voting for Democratic candidates. The Negro has not only come into the Democratic Party, but the Negro has come into control of the Democratic Party. One Negro, whose name has heretofore been mentioned in the debate—Walter White, secretary of the Association for the Advancement of the Colored People—has ordered this bill to pass. If a majority can bring about a vote, the bill will pass.

On the opening day of the special session of the Congress, when the President submitted his legislative plan for the session, the majority leader of the Senate was anxious to proceed with the President's program. The proponents of this bill would not agree. They insisted upon the consideration of the bill. I know that the majority leader pleaded with them in behalf of the President's program; but the appeal was in vain. The Democratic leader of the Senate abandoned the plan of asking for consideration of the reorganization bill only because he knew that if he made the motion, and the Senator from New York moved as a substitute that the antilynching bill be taken up, the administration would be defeated in the very first vote of the session. Under the circumstances, I think he did the right thing. He had to maintain some control of the majority of this body.

If Walter White, who from day to day sits in the gallery, should consent to have this bill laid aside, its advocates would desert it as quickly as football players unscramble when the whistle of the referee is heard.

But, Mr. President, we of the South must look to the future. My years of experience in the House and the Senate have taught me the ways of lobbyists. For years this man White has worked for this bill. Now that he has secured the balance of the voting power in so many States, he can order its passage. But, Mr. President, he would be less than human if he were willing to stop there. His job would be at an end. I do not criticize him. He would be doing only what every white lobbyist I have ever known or heard of has done. He must advance to retain his leadership and his compensation.

What legislation will he next demand of the Congress of the United States? I do not know. Will he demand that Congress enact legislation to punish officials of a State who fail to protect Negroes in the right to stop at hotels where white persons are entertained, following the law the Negroes recently had enacted in Pennsylvania? Will he demand the enactment of laws providing for the supervision of elections within the States? I do not know; but I know he will make other demands, and that those who are willing to vote for this bill because he demands it will acquiesce in his subsequent demands.

Mr. President, politically the South has been an outcast. It matters not what attainments a Democrat of the South may possess; since the War between the States no southerner who still resides in the South has had a chance for serious consideration for a Presidential nomination. We have been content to fight the battles of the party as privates in the ranks, without ever daring to seek to lead our party. In every campaign the Democratic candidate has known that he had in the electoral college a block of southern votes

without his ever making a speech in a southern State or spending a dollar for the purpose of organization. The South has been willing to furnish in each political campaign the best of its talent; and, though relatively poor, the South has furnished financial aid to carry on the campaign in the States of the North.

Today, the South may just as well know that because of its policy it cannot appeal to the Republicans of the North, and that it has been deserted by the Democrats of the North. Daily we hear of the influence of the Negro voter in the North. Into that section there have gone many southerners. I wish it were possible that every one of them, wherever he resides today, could read the speech of the distinguished Senator from Idaho [Mr. BORAH]. I hope they will read it; and, when they do, I hope their eyes will turn to the land that gave them birth, that their thoughts will turn to the people they left in that land, and who, if this legislation is passed, will need their help in the days to come. I hope they will remember those in the Senate who today stand by the South, and also remember those who seek to humiliate the white people of the South, and, intentionally or unintentionally, arouse race hatreds in a land where today there is only peace and good will.

Mr. CONNALLY. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. HERRING in the chair). The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Andrews	Duffy	McNary	Schwellenbach
Berry	Guffey	Miller	Sheppard
Borah	Harrison	Moore	Steinwer
Brown, N. H.	Hatch	Neely	Thomas, Okla.
Bulkeley	Hayden	Norris	Thomas, Utah
Bulow	Herring	Pittman	Truman
Burke	Hitchcock	Pope	Vandenberg
Byrnes	Holt	Reynolds	Wagner
Connally	Johnson, Colo.	Russell	Walsh
Dieterich	Lewis	Schwartz	

The PRESIDING OFFICER. Thirty-nine Senators having answered to their names, there is not a quorum present.

The clerk will call the names of absent Senators.

Mr. CONNALLY. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CONNALLY. Did the Chair announce that there was not a quorum present?

The PRESIDING OFFICER. Yes.

Mr. CONNALLY. Under the rules, there is nothing to be done except to call the names of the absent Senators or adjourn.

Mr. BARKLEY. Mr. President, was the announcement made by the Chair the result of the second roll call?

The PRESIDING OFFICER. The first call.

Mr. BARKLEY. Automatically the clerk will call the roll the second time.

The PRESIDING OFFICER. The clerk will call the names of the absent Senators.

The Chief Clerk called the names of the absent Senators, and the following Senators entered the Chamber and answered to their names when called: Mr. ADAMS, Mr. ASHURST, Mr. AUSTIN, Mr. BAILEY, Mr. BANKHEAD, Mr. BARKLEY, Mr. BILBO, Mr. BONE, Mr. BRIDGES, Mr. BROWN of Michigan, Mr. BYRD, Mr. CAPPER, Mrs. CARAWAY, Mr. CHAVEZ, Mr. CLARK, Mr. COPELAND, Mr. DONAHAY, Mr. ELLENDER, Mr. FRAZIER, Mr. GEORGE, Mr. GERRY, Mr. GIBSON, Mr. GILLETTE, Mr. GLASS, Mr. HALE, Mr. HILL, Mr. JOHNSON of California, Mr. KING, Mr. LA FOLLETTE, Mr. LODGE, Mr. LOGAN, Mr. LONERGAN, Mr. LUNDEEN, Mr. MALONEY, Mr. MCADOO, Mr. MCCARRAN, Mr. MCGILL, Mr. MCKELLAR, Mr. MINTON, Mr. MURRAY, Mr. O'MAHONEY, Mr. OVERTON, Mr. PEPPER, Mr. RADCLIFFE, Mr. SHIPSTEAD, Mr. SMITH, Mr. TYDINGS, Mr. VAN NUYS, and Mr. WHEELER.

The PRESIDING OFFICER. Eighty-eight Senators having answered to their names, there is a quorum present.

Mr. CONNALLY. A parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. CONNALLY. How many Senators are present?

The PRESIDING OFFICER. Eighty-eight.



Mr. CONNALLY. Will the Chair assure the continued presence of these 88 Senators?

The PRESIDING OFFICER. Absolutely. [Laughter.]

The question is on agreeing to the amendment offered by the Senator from Illinois [Mr. LEWIS] to the amendment of the committee in the nature of a substitute.

Mr. RUSSELL. Mr. President, when the historian of the future comes to study this period a hundred years from now he will be bewildered and confused by the sorry page which is being written here today. He will find page upon page of the great metropolitan dailies thundering from both editorial and news columns the strident demand that the Congress forthwith and without debate enact an antilynching law to punish the crime of lynching. He will find that radio commentators and dozens of periodicals join the press in bitter denunciation and abuse, if not defamation, of those who have had the temerity on the floor of this body to resist the passage of the pending measure. He will find page upon page of the CONGRESSIONAL RECORD devoted to the remarks on this bill of those of us who play our brief part on this stage.

I am sure, Mr. President, that that student will conceive that at the time this measure was pending there was some great wave of crime in the form of lynchings sweeping over this country, threatening the lives and happiness of the people of the United States, so serious as to demand that the Congress of the United States, in this very critical period of reconstruction after a great depression, should shove into the background every measure dealing with the economic problems of the Nation, every measure dealing with the future advancement and progress of the Nation, and attempt to legislate to stamp out the awful crime of lynching, which no one condones and approves, and all clear-thinking citizens condemn.

Then, Mr. President, if that student should turn to study the annals of crime at this period, his bewilderment would know no bounds. He would find that the Congress of the United States saw fit to stall the wheels of legislation in an attempt to address itself to a bill which does not purport to cover but 8 of the 12,000 murders which are committed in this country each year. Murder in any form is abhorrent. It will be in the United States a hundred years from now as it is today. But it would be impossible for the unbiased mind of the student to conceive of any rhyme or reason for the Congress seeking to cull out and single out 8 of the 12,000 murders and make them the subject of national legislation.

Mr. President, if this student should then go to the trouble of reading this indefensible monstrosity, which is presented here masquerading as a bill to punish the crime of lynching, his confusion would become worse confounded. He could study this bill line by line, phrase by phrase, paragraph by paragraph, page by page; he could examine it topside and bottom, and he would not find one single word or phrase which attempted to provide for the punishment of those who band themselves together to commit a crime of violence or to deprive any person of his life.

Ah, Mr. President, there has been some misrepresentation about the terms of the bill. Thousands of good citizens of this country, good people living both North and South, have been led to sympathize with this measure on the theory and on the representation, implied, at least, that it is a bill which seeks to punish an abhorrent form of murder. The report has been spread throughout the country that under the bill the great machinery and power of the Federal Government will be set in motion to punish those who are guilty of banding themselves together for the purpose of taking human life without due process of law.

In the imagination of some people—and this has been asserted in some of the newspapers—they have seen the G-men, the representatives of the Federal Bureau of Investigation, going into the various communities of the Union with all of their skill and daring, uncovering the perpetrators of the crime, and bringing to justice the members of what are called lynching mobs. Whether through ignorance or deliberate attempt at unfairness I do not know, but the press and the professional agitators for this measure have never

been fair enough to make it clear to the people of the United States that if the bill should be passed, and if it should become a law, not one single member of a mob guilty of murder in the form that is commonly called lynching can ever be haled before a Federal court and punished for his crime.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. McKELLAR. The Senator recalls that neither the authors of this bill nor anyone who is in favor of it has ever explained its provisions even to the Senate, and not a single soul has risen in this body to defend it up to this hour.

Mr. RUSSELL. The Senator from Tennessee is eminently correct. It is the most amazing performance that these Halls have ever witnessed. Here is a measure brought into the Senate, and it is proposed to ram it through in the spirit of the mob merely because its proponents say they have the force and the votes to pass it, without the authors of the bill taking the floor to defend its constitutionality or to point out any pressing necessity for the putting away of other legislation, humanitarian and economic, in order to deal with this bill.

Mr. President, it is an amazing proposition. The authors of the bill have confined their remarks to a few brief statements without attempting to justify the presentation, much less the passage, of this piece of legislation.

If this bill clearly in all of its terms were exposed to all the people of the United States by those who have the prestige and power here to make themselves heard in the press throughout the length and breadth of the United States, such as the able Senator from New York [Mr. WAGNER], then, my fellow Senators, all would not be moonlight and roses and sweet music for the authors of this bill. If the people of this country understood just what this bill does and how it proposes to operate it would find scant sympathy anywhere.

It is called a bill to punish the crime of lynching. There is inserted in the caption of the bill the false premise that it is a bill to punish for the crime of lynching, and yet there is not within the terms of the measure a single phrase or clause or provision that attempts to carry out the words of this caption.

No, Mr. President, this is not a bill to punish the crime of lynching. This is a lynch bill. It is a bill to lynch the last remaining evidence of State's rights and sovereignty, a bill to financially lynch the innocent as well as any who might be guilty if they happened perchance to reside in a community where this unfortunate crime occurs, even though the innocent may be more strongly opposed to crimes of violence than the authors of this bill and all of the organizations that are pressing this measure here today. Yet it is called a bill to punish the crime of lynching.

Mr. President, a person might take a dead polecat or skunk and dress it up here in all kinds of fancy trimmings. He might wrap him up in fancy paper and put a big sign on him saying in clear letters, "This is hickory smoke cured ham," but the fact would remain that the package would contain a skunk just the same. He might get every professional agitator in this country to point to the label and say, "There is hickory smoke cured ham." He might have the press in this country write articles saying, "That is hickory smoke cured ham," but when he went into it, it would just be plain skunk meat. It would not be hickory smoke cured ham at all, and all the statements in the world would not make it ham.

To call this bill an antilynching bill, a bill to punish the crime of lynching, to go before the country and call this a bill to punish lynching is nothing short of deception. It is almost a fraud on the people of the United States, and it is worse than that to hold out to them that under the terms of this bill you will be able to send the investigators of the Federal Bureau of Investigation—the G-men—into the various communities of the State and to arrest and punish the members of a mob who might be guilty of this horrible crime of lynching.

Mr. President, if this bill went into effect and a lynching should occur over here in the State of Maryland, the members of that mob might come down here to Washington and

present themselves at the office of Mr. J. Edgar Hoover, Director of the Bureau of Investigation, and say, "Here we are, Mr. Hoover. We have just lynched a man out here. We have just strung a fellow up." And so far as arresting that crowd and making them amenable to the jurisdiction of a Federal court for that crime is concerned, Mr. Hoover would have to say, "Why, you men are taking up my time here, and I will have to ask you to leave my office."

Under this bill he would not have the slightest warrant in law to arrest those men and take them into a Federal court and punish them for their crime. Yet the country is told here by implication, if not in express terms, that this is a bill to punish the crime of lynching. I say to my friend from Tennessee [Mr. McKellar], no wonder the proponents of this bill will not take the floor and seek to defend this monstrosity or attempt to explain its provisions!

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. CONNALLY. I may explain to the Senator that the authors of the bill, the Senator from New York [Mr. WAGNER] and the Senator from Indiana [Mr. VAN NUYS], will not even stay here to hear the speeches, much less make an argument themselves. The Sergeant at Arms cannot drag them in here and hold them long enough to listen to what is being said.

Mr. RUSSELL. The Senator from New York was kind and charitable enough to come by and tell me that it was necessary for him to leave the Chamber for a few minutes in order to go out to get lunch, and in order to pay a visit to the other House. But I say, Mr. President, that those of the Senate who have read this bill know that it is not a bill to punish the crime of lynching. I point to the fact that it is difficult to keep a quorum on the floor of the Senate because as Senators read the provisions of this bill and find out what they are called upon to support and what they have committed themselves to support, it makes them sick to hear about it.

For several days while the matter was under consideration the bill had not even been read by some Members of the Senate. The distinguished Senator from Tennessee in the course of his remarks called upon the Members then upon the floor who had read this bill to raise their hands, and three Members raised their hands. Since that time the Members have doubtless read this bill, and they are now so sick to see what they have committed themselves to support that they cannot stay here on the floor of the Senate and see the light of publicity and explanation turned upon this bill.

Mr. President, why was this bill thus drawn, piously parading here as a bill to punish the crime of lynching? Why was it drawn so as to punish the innocent many as well as the guilty few in a county where an unfortunate murder of this type might occur? The answer is simple enough. This is a political force bill. This is a sectional bill aimed at one section of the country to endeavor to catch votes in other sections to elect men to office. The proponents of this measure know that if they were to come here with a genuine attempt to penalize murder in all its forms and to protect human lives, or to enforce the provisions of the fourteenth amendment in all sections of the country, that if they were to reach the strong arm of the Federal Government down into their local communities and attempt to punish all crime in the Federal courts that it would defeat the last single one of them.

They know that if the Federal Government were to come into their sections in an honest attempt to enforce all the laws against the various crimes that are committed that they would have a large number of their constituency constantly in the toils of the law. They seek instead to take all of the 12,000 murders that were committed in the United States last year and to skillfully, by verbiage, segregate and remove 8 of them from that list, because, forsooth, no crimes of that particular character which were called lynchings were committed in their States.

Mr. President, it has been truthfully said here, and unchallenged statistics have been cited to show, that lynching is the only form of murder, it is the only kind of felony, in the United States which is now on the decrease.

Mr. CONNALLY. Mr. President, will the Senator yield to me?

Mr. RUSSELL. I yield.

Mr. CONNALLY. I suggest the absence of a quorum, Mr. President, on the assurance of the Chair that he will keep a quorum here.

The PRESIDING OFFICER. The Chair can only say that he will try. The clerk will call the roll.

The Chief Clerk called the roll, and the following Senators answered to their names:

Adams	Connally	King	Pope
Andrews	Copeland	La Follette	Radcliffe
Ashurst	Dieterich	Lewis	Reynolds
Austin	Donahay	Lodge	Russell
Bailey	Duffy	Logan	Schwartz
Bankhead	Ellender	Loneragan	Schwellenbach
Barkley	Frazier	Lundeen	Sheppard
Berry	George	McAdoo	Shipstead
Bilbo	Gerry	McCarran	Smith
Bone	Gibson	McGill	Steiwer
Borah	Gillette	McKellar	Thomas, Okla.
Bridges	Glass	McNary	Thomas, Utah
Brown, Mich.	Guffey	Maloney	Townsend
Brown, N. H.	Hale	Miller	Truman
Bulkley	Harrison	Minton	Tydings
Bulow	Hatch	Moore	Vandenberg
Burke	Hayden	Murray	Van Nuys
Byrd	Herring	Neely	Wagner
Byrnes	Hill	Norris	Walsh
Capper	Hitchcock	O'Mahoney	Wheeler
Caraway	Holt	Overton	
Chavez	Johnson, Calif.	Pepper	
Clark	Johnson, Colo.	Pittman	

The PRESIDING OFFICER. Eighty-nine Senators having answered to their names, a quorum is present.

Mr. REYNOLDS. Mr. President, will the Senator from Georgia yield?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from North Carolina?

Mr. RUSSELL. I yield to the Senator from North Carolina.

Mr. REYNOLDS. I should like to introduce a bill for the relief of John Quincy Adams.

Mr. BARKLEY. Mr. President, will the Senator defer the introduction of this bill until a little later in the day? It can be done later as well as now.

Mr. REYNOLDS. Certainly; but I should like to ask if there is any objection to my introducing for the Appendix of the Record a radio address that I delivered last night?

Mr. BARKLEY. There will be no objection later, but for the moment I must object.

Mr. REYNOLDS. Very well.

Mr. RUSSELL. Mr. President, at the time the quorum was called I was discussing the amazing fact that it is being urged here that the National Congress should select the only form of murder, the only form of felony in the United States that is decreasing as a subject of national legislation, and that it should blind its eyes to the startling facts shown by statistics that crime in all its other forms is rampant and on the increase throughout the entire Nation. Let no one think, even he who assumes a holier-than-thou attitude, that any one section of this country has any monopoly on virtue or any corner on lawlessness. The figures show crime is widespread. It may vary somewhat in its form; one may call the killing of a human being by three or four people a gang murder in New York and a lynching in Georgia, but the fact remains that even those who are here seeking to sustain this bill by their votes, if not by their voices, have conceded the fact that lynching is the only major crime that is on the decrease.

Our Republic bears the unenviable distinction of being the most lawless Nation of the earth. I do not think it is necessary for me to bring witnesses here at any length to establish that statement as a fact—it is generally conceded; but I will offer a brief statement from the writings of the Attorney General of the United States, the man charged with



the prosecution of violations of Federal statutes, the man in charge of the collation of all the figures and statistics affecting crime, to show, beyond any doubt, that we have many criminals in our midst. Listen to the words of the Attorney General of the United States. He is referring to the year previous to the time when this article was written:

Every 20 seconds, hour after hour, day after day, a crime of desperate proportions—robbery, assault, burglary, rape, kidnaping, manslaughter, murder—was being committed within the boundaries of the United States—

Every 20 seconds a major felony was being committed within the United States—

Over a 12-month period, the almost unbelievable total of nearly 1,500,000 such major crimes were committed.

One million five hundred thousand major crimes committed, and Senators here blind their eyes to that fact and say, "No; we cannot pay any attention to that," but they must rush in here and enact legislation against the crime of lynching, which is on the decrease, before the States themselves wipe out that crime.

Mr. CONNALLY. Mr. President, will the Senator yield for a question?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Texas?

Mr. RUSSELL. I yield.

Mr. CONNALLY. How does the number of lynchings compare in the entire United States with the number of major felonies that the Senator has cited for the year indicated by him?

Mr. RUSSELL. There were 8 lynchings and 1,500,000 major felonies. Yet it is said here we must tie up the business of the people of the United States; we must do away with all other legislation; we must fray the tempers of Senators and Members of the House of Representatives and array sectional bitterness in order to punish these eight crimes before they are entirely wiped out by the States themselves in the remarkable progress being made in that direction.

Mr. CONNALLY. Mr. President, will the Senator yield for another question? I dislike to interrupt him, but the question is right on that point.

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Texas?

Mr. RUSSELL. I yield.

Mr. CONNALLY. This bill is proposed as assuring to citizens of the United States their rights under the fourteenth amendment. Is it not true that each of the million and a half major felonies which the Senator has cited, is a violation, if lynching is a violation, of the rights of the victims who have been murdered or assaulted or raped or robbed of their rights under the fourteenth amendment?

Mr. RUSSELL. If the Congress of the United States has the power—which I do not believe that any constitutional lawyer will seriously assert it has—to invade the States to punish crimes of murder that are designated as lynching, they have equal power to invade the States to seek to punish the perpetrators of the 1,500,000 major felonies.

Mr. SMITH. Mr. President, may I interrupt the Senator?

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from South Carolina?

Mr. RUSSELL. I yield.

Mr. SMITH. The Senator from Texas reverted to the crimes committed. What is the Senator talking about? This bill is not for the punishment of crime; it is to get some votes.

Mr. RUSSELL. I have stated, Mr. President, that the title of the bill was very misleading and that my opinion, as to at least one idea back of the bill concurs with that of the Senator from South Carolina.

Mr. SMITH. That is all there is to it.

Mr. RUSSELL. Mr. President, here we have as the Attorney General says, 1,500,000 major felonies. How many is that? It was pointed out by the Senator from Arkansas [Mr. MILLER] yesterday that there was 1 lynching for each 16,000,000 people in the United States last year.

But the Attorney General says that one major crime "against 1 out of every 84 American citizens, affecting 1 out of every 16 homes" was committed the year before this article was written.

He goes on to enumerate some of those crimes:

Twelve thousand of our citizens were murdered. That was at the rate of 33 a day.

Thirty-three murders each day. The Federal Government, under the philosophy of the proponents of this measure, has no right whatever to take any steps against the crime of murder, which is taking away the lives of 33 of our citizens a day, but it does have a right to invade the States and seeks to deal with a crime that happens at the rate of one every 45 days. That is the position that is seriously taken by those who are pressing this measure.

Fifty thousand citizens were robbed. A hundred thousand were assaulted—

Says the Attorney General—

and the menace was growing every day.

Here is the menace of crime growing in all its other forms, while the crime of lynching is being reduced until it has almost been eliminated.

I turn again to the Attorney General's statement—

There were probably twice as many people in the underworld carrying deadly weapons as there were in both the Army and the Navy—a whole half million of armed thugs, murderers, thieves, firebugs, burglars, and hold-up men—and the havoc this standing army of criminals wrought was costing the people of the United States, under some estimates, at least, as much as \$18,000,000,000 a year. For every cent American taxpayers spent for education they paid 5, 6, or 7 cents toward the crime bill.

That is the statement, Mr. President, that the Attorney General made in referring to the alarming spread of crime in every form save and except lynching in the year 1933.

Has that record been improved? Witness after witness could be brought in to prove the contrary; one could read newspaper articles of horrible crimes in every form that have been committed throughout the United States from now until the first of next year; and I may take occasion later on in the debate to read some of them.

For the time being, however, I shall present only a brief statement from another witness; and I go to high authority. I go to the Honorable J. Edgar Hoover, head of the Federal Bureau of Investigation, a man who is recognized throughout the entire world as being one of the most accomplished administrators and law-enforcing officers in dealing with this horrible rising tide of crime other than lynching.

Here is what Mr. Hoover said:

Let us look at the record. Figures for 1937 show a decided increase in the felonies committed this year as against the 1,333,526 major crimes in 1936. There has been a sharp increase in robberies, burglaries, larcenies, and automobile thefts. How can anyone say that crime is decreasing when we look at this record? Crime is not lessening; it is distinctly increasing. The records of 1937 show that more persons died by manslaughter, that more were murdered, and these same records reveal an alarming increase in the most horrible of criminal violations that exists—that of the degenerate attacks of filthy, prison-bred reptiles upon the women and children of America. Women strangled, beaten by the rotten fists of degeneracy; their virtue assailed and their lives taken. Innocent children lured into vacant houses, into deserted basements, into unfrequented ravines, their bodies defiled and assaulted.

That, Mr. President, comes from high authority, showing that crime in all of its forms, save in the form of lynching, is on the increase in these United States. Mr. Hoover went so far as to say, in view of this alarming increase in all forms of crime save and except lynching, that we are indeed at a crisis in the matter of crime. The question arises whether society shall control the criminal or whether criminals shall control society.

Mr. President, in view of that record, in view of that statement, in striking contrast to this appalling record of crime in all of its horrible forms is found the steady decrease in lynching in the Southern States, where it has been all but wiped out. Yet we have Senators who are so zealous to punish crime, and bring about a Utopia where no person will

be deprived of life, liberty, or property by criminals, whether banded together in the form of gangs or of lynch mobs or of individuals, that they obscure the fact that all other forms of crime are on the increase, and seek to come in here and legislate against the only form of crime which the States of the Union have shown themselves capable of controlling.

Why, Mr. President, to an unbiased observer who might come here from some foreign land, and see this picture of the United States Senate being tied up with the amazing proposal to single out these eight crimes for legislation, it would present a ludicrous situation. To our country it is not ludicrous; it is a pathetic situation. It is nothing short of tragic that the time and the talents and the tempers of the Members of the Congress of the United States should be frittered away in considering a measure of this kind merely, perhaps, to see that certain groups of voters are appealed to.

Mr. President, this bill is aimed at 8 of the 12,000 murders that occurred in the United States. It is not brought here by a Senator from a Southern State. I think we have a right to assume that most people would feel that they should set their own house in order before they attempt to go out and criticize and condemn their neighbors for their manner of living and for their infractions of the rules of society. This bill is presented here and largely urged by the Senator from New York; but when we investigate the record of crime in the State of New York and in the great metropolitan center known as New York City, and compare it with the record of the crime of lynching in this country, it is sufficient to amaze anyone as to why this one crime, which is on the decrease, should be singled out for the great legal and judicial experience of the Senator from New York, who was once an ornament of the judiciary in that State, and cause him

to spend his time and exert his energies on this one decreasing crime. One out of 16,000,000 persons in the United States was murdered by lynching last year. In the State of New York, in 1936, 4 out of 100,000 of the citizens of that State lost their lives by murder; yet no effort is made here to punish that crime, wherever and in whatever form it may be committed unless someone can call it a lynching.

Mr. President, at this juncture I ask to have inserted in the RECORD, as part of my remarks, two tables showing the type of felonies, one applying to New York State for the years 1935 to 1937, and the other giving information as to the number of offenses known to the police in the cities of Chicago and New York for the years 1935, 1936, and the first three-quarters of 1937.

The PRESIDING OFFICER (Mr. GEORGE in the chair). Without objection, it is so ordered.

The tables are as follows:

*Number of offenses known to police, per 100,000 inhabitants, New York State, 1935-37*

Type of crime	1935	1936	January-September, 1937
Murder, nonnegligent manslaughter.....	4.3	4.0	2.9
Rape.....	7.8	9.2	(1)
Robbery.....	15.7	15.7	11.4
Aggravated assault.....	30.1	31.1	25.0
Burglary—breaking or entering.....	90.7	158.6	113.5
Larceny— theft.....	424.0	399.1	309.1
Auto theft.....	157.2	129.6	102.3

<sup>1</sup> Not given.

Source: U. S. Department of Justice, Federal Bureau of Investigation, Uniform Crime Reports, vol. 6, no. 4, p. 13; vol. 7, no. 4, p. 137; vol. 8, no. 3, p. 117. Rates with reference to burglary, larceny, and auto theft are not based on reports for the same number of cities each year.

*Number of offenses known to the police in Chicago and New York, 1935, 1936, 1937 (first 3 quarters)*

City and year	Murder, nonnegligent manslaughter	Rape	Robbery	Aggravated assault	Burglary, breaking or entering	Larceny— theft		Auto theft	Total
						\$50 and over	Under \$50		
Chicago:									
1935.....	243	184	10,177	1,785	18,857	3,790	13,996	6,726	55,758
1936.....	221	198	5,895	1,589	13,772	3,302	11,669	3,527	40,173
1937:									
First quarter.....	46	46	1,558	367	3,233	797	2,603	735	9,385
Second quarter.....	51	74	986	410	2,896	680	2,829	773	8,690
Third quarter.....	61	(1)	1,195	438	2,967	810	3,320	744	9,535
New York City:									
1935.....	369	628	1,184	2,479	2,788	(2)	—	—	7,448
1936.....	364	771	1,240	2,561	2,536	7,172	—	7,701	22,345
1937:									
First quarter.....	82	182	296	539	646	(2)	—	1,815	3,560
Second quarter.....	87	209	303	740	752	(2)	—	1,924	4,015
Third quarter.....	85	(1)	273	887	806	(2)	—	1,775	3,886

<sup>1</sup> Not given.

<sup>2</sup> Not reported.

Source: U. S. Department of Justice, Federal Bureau of Investigation. Uniform crime reports for United States, vol. 6, no. 4, pp. 15 and 16; vol. 7, no. 4, pp. 140 and 142; vol. 8, no. 1, p. 13; vol. 8, no. 2, p. 66; vol. 8, no. 3, p. 119. Totals computed from figures given.

Mr. RUSSELL. But, says the Senator from New York in one of the very brief statements he has made on this bill, it is necessary for the States to be invaded by the Federal power in this instance because of the fact that the States are not punishing this crime, even though they have reduced it to a minimum. I am sure one would think, from that statement, that in the State of New York all of the malefactors and offenders against the laws of the State are brought to judgment and to punishment; but the figures for the year 1935—which is the only year for which I have been able to get definite statistics from the Bureau—show that in the city of New York there occurred 369 homicides, 369 murders, as against the record of 8 throughout the entire United States in the form of lynching. Were all the murderers convicted? Why, Mr. President, only 167 of them were ever indicted. Two hundred and two of them were never indicted by the grand jury of the State of New York.

What was the record further? Why, we find that only 75 of those murderers were ever convicted. Therefore, in New York State, from which this great Senator comes bearing this bill to criticize and condemn other States because he says they have not enforced their penal statutes, we find

that out of 369 murders only 75 murderers were ever convicted by the courts.

Mr. President, it is interesting to observe the difference in the various forms of lawlessness in this country. I have here a little news item from the Associated Press which is a general story of the methods employed in various sections of the country to celebrate the advent of the New Year—what is commonly known as the celebration to take place on New Year's Eve. In it I find this striking paragraph:

In Brooklyn—

Which is part of Greater New York—

parishioners of the Church of the Holy Rosary celebrated their services an hour earlier than usual, and under the protection of a special police detail, on hand because of a long series of beatings and hold-ups in that section.

Why, Senators from States where people cannot gather in the house of God to pursue their devotions in an orderly manner without being compelled to call upon the officers of the law to guard them against thugs, footpads, those who would beat and abuse and rob them, come in here now to summon other States before the bar of judgment of the



Nation and of the world because 8 out of 12,000 murders in the United States happened to be unfortunately of the kind, as abhorrent as any, known as mob violence or lynching.

I find here another news item in regard to the same story, sent out by another great news agency, in which it is said that not only did the police have to guard these people but the police advised the parishioners "to emulate the Pilgrim Fathers, who carried guns to church as protection against the Indians"—advising people on their way to church in this good year of 1938 to carry their blunderbusses and muskets on their shoulders to protect themselves from the Indians who might be lurking around the corners in New York City.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. CONNALLY. Is there any significance in the fact that the people were called upon to protect themselves against the Indians in New York, members of the wigwam of which the Senator from New York is one of the outstanding members? [Laughter.]

Mr. RUSSELL. Mr. President, the Indians in this country have been greatly victimized in times past. Unfortunately, massacres of Indians have happened in elections here in the present day. We have had one recently in New York. However, out of regard to the Senator from New York, I shall not comment on the very pertinent suggestion of the Senator from Texas, which could apply to the recent mayoralty election in New York, where the Indians to which he refers were decimated politically.

Mr. CONNALLY. Mr. President, will the Senator further yield?

The PRESIDING OFFICER. Does the Senator from Georgia further yield to the Senator from Texas?

Mr. RUSSELL. I am glad to yield.

Mr. CONNALLY. Does the Senator mean that this quotation from the press is a report of an incident happening in Brooklyn, N. Y., in the United States of America, on the 1st day of January 1938, in which the officers of the law—who were charged, of course, with the enforcement of all rights under the fourteenth and all other amendments—deliberately urged parishioners who were attending worship in a temple of God to go there armed to protect themselves from assault, robbery, and intimidation from constituents of the Senator from New York, who is the author of this bill?

Mr. RUSSELL. Mr. President, if the Associated Press and the United Press may be relied upon, not only was it found necessary to call out a detail of policemen in this year of enlightened civilization, 1938, to protect the church-going people of New York in their devotions, but the police went further than that and advised the people who desired to go to church to go an hour earlier than usual and to carry along guns, in order that they might augment the forces of the police in the collisions with the forces of crime that were anticipated in the shadow of the temple of the church.

Mr. President, I have here another newspaper clipping which shows something about the method in which various other crimes are disposed of in New York City. As I stated, I have been making a study of the subject of crime since this matter has been pending, and at some later date I may go more into individual cases, but for the time being I shall use only this case as somewhat typical of the methods which are employed in law enforcement in some cases in New York City.

I read from an article appearing in the New York Times:

**BIG SHOT WEINER DIES AFTER AFFRAY—NOTORIOUS CRIMINAL SUCCUMBS IN BELLEVUE PRISON WARD TO PISTOL BATTLE WOUNDS**

Robert (Big Shot) Weiner, one of the most notorious criminals in the city, died in the prison ward at Bellevue Hospital shortly after noon yesterday. He had been a prisoner there, charged with felonious assault since an affray in front of 55 West Seventy-fourth Street early last Saturday in which he was shot in the throat.

Mr. CONNALLY. Mr. President, was that a Senator who was shot in the throat? [Laughter.]

Mr. RUSSELL. No. Each State is allowed only two Senators, but it seems that some of the States are allowed countless numbers of gangsters and racketeers. Despite gang wars, the supply is inexhaustible.

Weiner, who was 33 years old, had been arrested 13 times in the past 13 years and on one occasion spent 13 months in the death house at Sing Sing before the court of appeals reversed his conviction of murder.

Mr. REYNOLDS. Mr. President, is the Senator referring to the record of a criminal alien?

Mr. RUSSELL. I am. I am sure the Senator from North Carolina will be interested in this on account of his very careful study and attention to the problem that is confronting the people of this country by reason of the very grave crimes oftentimes committed by those who have no right within our borders. I might say to the Senator that this man apparently had been naturalized in New York State, however, and was not subject to deportation for his crime. I hope, however, that while this matter is pending here, while we are discussing this awful crime situation in the United States, the Senator from North Carolina will give the Senate the benefit of the study he has made of crimes among aliens and others in the United States. I think it would be an enlightening page of the RECORD. I think it might well cause the Senate to turn aside from its efforts to direct the power of the Federal Government against the only decreasing crime and to exert it against some crimes that are on the increase.

I read further about this criminal. The article shows he was arrested 13 times, that the police knew he was engaged in every conceivable racket, but his only conviction was reversed and he was set free.

He had been found guilty of smuggling pistols and ammunition into the Tombs for use in the attempted jailbreak of November 3, 1926, which cost five lives.

Weiner was born in Russia but was a naturalized American citizen. His home recently had been at 1572 Eastern Parkway, Brooklyn. He always gave his occupation as a fish peddler, but the police said that he had long since abandoned that occupation for a series of rackets—the cosmetic racket, the drug-store racket, the grocery racket, and lately the narcotics racket.

His criminal record began with a 30-day sentence for petit larceny in Seattle in 1922, but all his subsequent arrests had been in this city. Despite the frequency with which he was brought in, he had only a single conviction against him here, one for unlawful entry, besides the one that was reversed.

Weiner was arrested within a few hours after the attempted break at the Tombs, and he signed a confession, the police said, that he had thrown two pistols and ammunition in a package over the Tombs wall. He also admitted, they said, that he was waiting in a car outside the Tombs when the break was attempted by three desperate gunmen.

He maintained that the confession had been beaten out of him by detectives in the basement of police headquarters, and although the jury convicted him, the court of appeals eventually accepted his statement.

Although Weiner told the police, after he had been taken to Roosevelt Hospital early Saturday, that he had been standing at a corner of Columbus Avenue and Seventy-fourth Street when he felt a pain in his neck and realized he had been shot, the detectives learned from witnesses that four men, arguing loudly about "dope," had engaged in a pistol battle in front of 55 West Seventy-fourth Street.

Mr. REYNOLDS. I appreciate the compliment paid me by the able Senator from Georgia, and I should like to be permitted to make an observation at this time, if it will not interfere materially with the trend of the Senator's thought. I am sure it will not, because it is directly in line with his remarks.

Mr. RUSSELL. If it relates to the subject of crime, which is the subject now being considered, I shall be delighted to yield.

Mr. REYNOLDS. It relates to crime and I am sure the Senator will welcome what I have to say, because I recall that only a few moments ago, when I entered the Chamber, I talked with a Senator in regard to the situation which exists within the confines of this country now, and at that time I recall the Senator brought to my attention an appalling figure, involving the mention of \$18,000,000,000 annually that crime costs the taxpayers of America.

In connection with that I might add that it is my information from the Bureau of Investigation, of the Department of Justice, that there are as many criminals in America today—4,400,000, according to statistics—as many men violating the law in this country today as the number we had in uniform and under arms during our brief participation in the World War, from April 6, 1917, to November 11, 1918.

I wish to add, for the information of the able Senator from Georgia, who is the very worthy chairman of the Committee on Immigration of the Senate, that only a few days ago I introduced in this body a bill which would require the mandatory expulsion or deportation of aliens in this country who were guilty of committing certain crimes, and although some may have become naturalized under the law, I ask for the expulsion of those naturalized who are preaching against the fundamental doctrines of our own Government. I wish to say to the Senator from Georgia that I am happy indeed to know that he is taking this subject up so carefully and displaying such interest on behalf of the American people.

Mr. RUSSELL. Mr. President, my discussion of the case of this man who had been an alien is merely incidental, but I wish to reiterate the hope that the Senator from North Carolina will at some future date address the Senate at some length on the subject of crimes by aliens. I recall that the Senator gave the Senate some very interesting information on this subject some time ago, and inasmuch as there will undoubtedly be various amendments offered to the pending bill to add other crimes than this decreasing crime of lynching to those sought to be condemned by the Congress I think it would be very appropriate and very instructive to have the Senator from North Carolina give the Senate the benefit of his research and study in crimes which are committed by the class known as aliens.

Mr. REYNOLDS. In connection with that, if the Senator will yield again, I might add that I have a list of names and addresses of some 25 criminal aliens in this country, that is to say, those who have come from foreign lands and who have had the protection of our flag, who have made a lot of money here during good times, but who do not think enough of the country to take the oath of allegiance, and are not willing to become American citizens. I have a list of about 25 names of 25 criminal aliens in this country who have committed crimes, among them Hauptmann, the man who was arrested, convicted, and executed for the kidnaping and murder of the baby of Colonel Lindbergh. I wish to discuss that and a number of others, and I will do so at the first opportunity.

Mr. RUSSELL. Of course, the Senator from North Carolina realizes that under the pending bill as it now stands not one of the victims of the crimes of violence which are perpetrated by the aliens to whom he referred can come into court and recover \$10,000 in liquidated damages, not a single police officer or peace officer can be sent to the penitentiary for not apprehending them in their crimes. For that reason, the information will be very important when we come to consider some of the amendments which will be offered to the bill in order to make it apply to other crimes.

Mr. CONNALLY. Mr. President, will the Senator from Georgia yield?

Mr. RUSSELL. I am glad to yield.

Mr. CONNALLY. I call the attention of the Senator to the fact that most of the crimes referred to by the Senator from North Carolina are expressly exempted under the bill under the designation of "gangsters" and "racketeers."

Mr. RUSSELL. That is very true, and I will deal with that later, when I get to that phase of the bill.

Mr. McKELLAR. Mr. President, will the Senator yield to me?

Mr. RUSSELL. I yield.

Mr. McKELLAR. I call the particular attention of the Senator and of the Senate to something from the Illinois Crime Survey Report.

Mr. CONNALLY. Mr. President, I think the Senator ought to withhold that until the Senator from Illinois [Mr. Lewis] is present.

Mr. RUSSELL. I might say to the Senator that I have that report here, and I intend to read from it some excerpts now, and perhaps at some later date read all of it to the Senate for our information and enlightenment.

Mr. McKELLAR. I should like to call the Senator's attention to one thing in the report.

Mr. RUSSELL. It is an appalling book when you consider the crimes it recounts and exposes.

Mr. McKELLAR. I read:

There have been no convictions in gang murders in Chicago during the period covered by this analysis—1935-37. This immunity from punishment is apparently due in part to collusion between politicians and racketeers and to the rule of silence required by the underworld code of ethics.

My recollection is that the number of slayings in Chicago was 130 for the period mentioned. Yet not a single person who killed 1 of the 130 in the city of Chicago alone has been punished, nor has any attempt been made to punish those who killed the 130. However, there is a desire on the part of some that a bill like this be passed.

Mr. RUSSELL. The Senator from Tennessee does not reveal the shocking length to which that report of the Illinois Crime Commission, composed of leading and outstanding citizens of Illinois, goes; and I am amazed that my beloved friend the Senator from Illinois [Mr. Lewis] is not familiar with the report. If he had been familiar with it I am sure he would not have stated on the floor of the Senate the other day that he wanted to strike the provision as to gangsters out of the bill because it was a reflection on the State of Illinois, and because the State of Illinois, as he stated, had full power and willingness and capacity to, and did, deal with its criminal element and bring them before the bar of justice. When I get into this report of the Illinois crime survey it will be developed that in the two years for which the survey was made 760 murders, I believe, were known to the police, and there were 9 sentences of death in a State whose laws prescribe death as the punishment for the crime of murder. It will show some rather amazing things. I think I shall hasten through with some very brief statements about New York, and perhaps give to the reporter some excerpts from the Illinois crime survey.

Mr. President, in this latter day, despite the fact that advice is given by the police of New York City to deal with the criminal element as the Indians were dealt with, for the people to arm themselves as they went to church, the people of the United States have been more appalled and dismayed by new types of crime which have made themselves manifest of late.

I shall read just briefly a short article from the Literary Digest. I have very little regard for the Literary Digest as a prophet of what will happen in any election, but when it comes to recording facts which have already transpired I think it is about as worthy of attention as almost any periodical of the day. When it comes to quoting people, I should think it was about as authentic and reliable as any magazine of this type. I shall read only briefly at this time from the article. The article is headed "Sex Crime Wave Alarms United States," and I read an excerpt:

In New York City at the present time—

This was April 10, 1937—

a man is arrested, charged with some revolting sex offense, every 6 hours on the average.

Every 6 hours a man was arrested for a crime of this character. What happened to them?

Of the 1,460 individuals so arrested annually few, police say, ever reach prison or asylum.

Between 1931 and 1936, the figures and graphs of the Federal Bureau of Investigation of the Department of Justice (G-men), gathered quarterly from 1,618 cities with a combined population of 58,820,588, show ominous increases in this type of offense.

A recent report of the F. B. I. remarked:

"Offenses of rape showed a marked increase in 1935, and the number in 1936 is almost as large."

The daily average of such offenses, "known to the police" in 69 cities of more than 100,000 population with an approximate total population of 20,000,000, rose from 914 in 1931 to 1,169 in 1936.



In recent weeks, the press of New York, Buffalo—

Which is also situated, as I understand, in New York—

Minneapolis, Chicago, Cleveland, and many other cities has been filled with the lurid details of cases in which rape and murder, of both children and adults, have been the subject.

I shall skip a part of the article, but perhaps I will have an opportunity at some future time to come back to it. Skipping a portion of the article, let us now see how the authorities are dealing with this offense.

Authorities nevertheless remain puzzled and uncertain as to remedies. Their bewilderment was expressed a few days ago by Police Commissioner Lewis J. Valentine of New York City.

This is what the commissioner said:

The most horrible menace confronting the people of this city is the type of criminal who attacks children. He represents not only the most terrible phase of crime, but the greatest—because that class of crime is growing greatly \* \* \* it is the most difficult to control or suppress \* \* \* what form prevention and cure will take remains uncertain.

He was speaking to reporters after viewing the body of \* \* \* 9-year-old Brooklyn girl who had been attacked and slain by \* \* \* a barber, even then out on bail for a sex offense.

"Cops are tough," continued the New York commissioner, who used to pound a beat himself.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. CONNALLY. I asked the Senator to yield so I could ask him a question. Does the Senator mean to say that this criminal who committed this sex offense was out on parole?

Mr. RUSSELL. He was out on parole; out on bail.

Mr. CONNALLY. For a former sex offense?

Mr. RUSSELL. Yes; for a former sex offense.

Mr. CONNALLY. This occurred in New York?

Mr. RUSSELL. Yes. I was reading the statement by the city commissioner of New York, the man charged with crime prevention.

Mr. CONNALLY. The commissioner of the same city of New York to which we look for moral uplift and leadership in the United States.

Mr. RUSSELL. Yes; the same New York that gives the impetus in this bill, to send it forth into other States, and seeks to cast a stigma on a great section that has already almost wiped out the most horrible form of murder that is known in that section, while these horrible manifestations of crime in all its forms run rampant within New York City without anything being said about it here and no effort being made to curb it by using the powers of the Federal Government.

Mr. McKELLAR. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. McKELLAR. As I understand the Senator, the victim was a little girl 9 years old?

Mr. RUSSELL. Yes, sir. That is what the article states. I specifically did not read the name of the child nor the one who committed the act because I did not think that would add anything to it. The New York commissioner went on to say:

Cops are tough, and I suppose I've seen enough crime \* \* \* to be callous.

If the Senator from Tennessee will follow this article he will find that it gives a brief statement about the crime.

But when I saw that little girl's body \* \* \* with her little hands stiffened in death as she had raised them \* \* \* in an agony of horror and appeal to that beast—well, I've been a cop for a long time, and I've been shaken for days by some sights, but nothing ever hit me like that.

Listen, Senators, to this significant statement. Hear this as coming from the commissioner of New York City.

The commissioner went on to point out that no proposed legislation met the problem.

Where is the legislation in this bill to meet this growing crime, this horrible crime that is increasing until it is referred to as a crime wave? Oh, no; we are told we must devote all of the time of the Senate to an attempt to legislate with respect to a crime that has been all but wiped

out—a crime which the States have shown that they could and would control.

Mr. President, I marvel at the auditory powers of the Senator from New York, for above this appeal of the police commissioner, above the rattle of the machine guns of the gangsters, above the exploding of bombs of racketeers, terrifying those who would do a legitimate business, above the moans of the widows and orphans of those who are murdered and stricken down, without the murderer paying the penalty of the law, above the feeble outcries of the little girls and the women who are referred to so graphically by the city commissioner, why, the Senator heard a still small voice: "Get out, go forth in a suit of armor of white."

Go into other States. Push through this monstrosity you call a bill to punish lynching and the insult that it implies to other sections which have all but wiped out this horrible crime of lynching. But not one word about these increasing crimes is found in the bill. No, the Federal power is not broad enough to reach a crime of this kind. The Federal Government has no right to seek to legislate in a matter of this kind.

Mr. CONNALLY. Mr. President, will the Senator yield?

Mr. RUSSELL. I yield.

Mr. CONNALLY. Let me ask the Senator with respect to that child that was murdered and assaulted if her rights of equal protection under the law, under the fourteenth amendment, by the State of New York are not just as sacred as the rights of any citizen anywhere; and if we have authority to pass this bill, why could not the authors of this bill insert in it a clause providing that any State which through its officers does not protect that child in her life and liberty and person should be amenable to her and her family in the sum of \$2,000 to \$10,000 for failure to protect her rights under the Constitution?

Mr. RUSSELL. Of course, the Senator from Texas is correct; but he knows the theory of this bill. And everyone who has read it knows the theory of this bill. If a person who is murdered by three men is charged with a crime, his family will get \$10,000 from the county, and the sheriff of the county has to go to the penitentiary. But if the murdered man is as innocent of any offense as a new-born babe, even though his record in life has been as white as the driven snow, then he can be shot down, or can be abused, or attacked, or assaulted, or have any kind of horrible crime committed against him; but when he is dead, does his family get the \$10,000?

Oh, no; that man was not charged with a crime. He was innocent of any offense. His widow and orphans have no right of action against the county. They go to the relief rolls or go to some charitable organization or they can starve.

And how about the police officer? If he happens to live out here in some country county where there occurs a crime such as that which they would seek to null out and designate by this bill, they would send the sheriff to jail or to the penitentiary for 5 years. If a crime like this happens to take place in New York in some gang killing or in connection with some racket, or something like that, the policeman on the beat where the murder took place does not go to the penitentiary. He cannot be punished under the bill. Likely as not he increases his weekly "take" not to reveal the perpetrators of the crime.

Mr. McKELLAR. Mr. President—

The PRESIDING OFFICER (Mr. MOORE in the chair). Does the Senator from Georgia yield to the Senator from Tennessee?

Mr. RUSSELL. I yield.

Mr. McKELLAR. The Senator did not read all of the article, or perhaps did not wish to read all of the article. Does the article state what punishment was meted out to the man who assaulted the little girl 9 years of age?

Mr. RUSSELL. Mr. President, this seems to have been written just after the crime had been committed, but I cannot conceive for even 1 minute that there is any section on earth, certainly not in the United States, where the extreme penalty of the law would not be visited on a beast of that

kind. I believe that even in a city that has the appalling crime record that these figures and statistics indicate exist in New York City that there would not be a soul in that city to rise up and say that that beast should not pay the extreme penalty for his crime.

Mr. President, it is amazing, as I said, that this should happen. I have in my hand an article from the New York Times which shows something about the extent to which these sex crimes are spreading in New York. I have already shown that. The commissioner there is looking for legislation to remedy the situation, urging that something be done about it. The article from the New York Times of Thursday, December 2, 1937, says:

Urges new courts for sex offenders. Littleton proposes private trials, with names kept secret to protect victims.

Mr. President, this is significant for the reason that Mr. Martin W. Littleton, who is the district attorney of Nassau County, says that not half of these sex crimes are ever known to the police. Therefore among the 1,400 arrested, one every 6 hours, that Mr. Valentine, the commissioner of police, referred to, less than half of those guilty of such crimes are arrested.

URGES NEW COURTS FOR SEX OFFENDERS—LITTLETON PROPOSES PRIVATE TRIALS, WITH NAMES KEPT SECRET TO PROTECT VICTIMS

A constitutional amendment to authorize private courts to take sex cases out of the public view, and thus shield innocent persons involved from embarrassing publicity, was proposed today by Martin W. Littleton, district attorney of Nassau County.

Mr. Littleton said he knew of about 40 sex crimes that were not prosecuted because parents of children involved did not care to brave the publicity that surrounds such cases. He also suggested prohibition against publication of names and pictures of persons involved.

"Morbidity morons," he declared, "fill the court room at these trials, subjecting a child victim to a harrowing experience which will mark him or her for all time."

"A public trial is the greatest detriment to prosecution of these cases. Neither a child nor an adult in most instances will consent to prosecute a sex criminal for fear of public display."

Mr. President, I do not make these statements and read these articles here showing crime conditions in New York in order to reflect on any good citizen of New York. I make them to show that it is an absurd proposition to have the Congress tied up in any such manner as this to deal with the only decreasing crime in the United States, and not to say that the Congress has the right to go into this other matter, or that it shall not deal with crime in all of its phases.

Mr. President, I am reminded of a story I heard about 20 years ago about a preacher who went into a community where he had not been theretofore, to take over a new charge. Several denominations attended the union church that they had there, and the preacher preached his first sermon, and happening to be a member of the Methodist Church, he preached a little Methodist doctrine, and he took occasion to jump on those in the community who were guilty of card playing. He condemned dancing and he also said something about drinking. The next day a committee called on him, and the chairman of the committee said, "This, being the only church in the community, is a union church of several denominations. There are not many Methodists in it, so you cannot preach the Methodist doctrine. The ladies here in this community all play bridge, and they play it for a little money, and therefore don't you be talking about playing cards. Old man Cy Brown down here, who is the most liberal contributor we have to this church, takes a little toddy every Saturday night, and once in a while he gets a little bit tight, so therefore you have got to go sort of easy on this business of drinking liquor."

"All of our young people dance, and you cannot preach against that." "Well," the preacher said, "Brother Jones, what on earth can I preach on, then?" The chairman of the committee scratched his head a little and said, "Why, just jump on the Jews and Seventh-Day Adventists and give them hell. There ain't a one of them comes to our church, anyhow." [Laughter.]

So that is the philosophy that inspired—I do not say that it does inspire, but that could have been the idea that the Senator from New York [Mr. WAGNER] had in mind. He looked over all this list of crimes, and with respect to the only crime, because it is called gang killing instead of lynching in New York, under which none of his constituents could possibly be prosecuted, he comes out then and says, "We will invoke the Federal power here in this crime of lynching, that is all but eliminated and all but wiped out."

Mr. President, I regret the absence of the Senator from Illinois [Mr. LEWIS], because I wanted to read somewhat from the report of the Illinois Crime Commission, to which the Senator from Tennessee [Mr. McKELLAR] has referred.

Mr. CONNALLY. Mr. President—

The PRESIDING OFFICER. Does the Senator from Georgia yield to the Senator from Texas?

Mr. RUSSELL. I yield.

Mr. CONNALLY. May I say to the Senator from Georgia that I understand the majority leader desires to have an executive session at this hour. I assume that the Senator from Georgia has not concluded his remarks, and I assume that it will be agreeable for him to proceed tomorrow in the event that he suspends at this time.

Mr. RUSSELL. It will be agreeable to me to proceed tomorrow. As a matter of fact, if my remarks are to be interrupted this afternoon, I should prefer that the interruption should come right now, because I was getting ready to take up a new phase of the subject involving a different section of the country.

Mr. BARKLEY. Mr. President, I did not know how much longer the Senator intended to speak.

Mr. RUSSELL. I intended probably to speak for another hour—not at great length—an hour or two at this time.

#### EXECUTIVE SESSION

Mr. BARKLEY. With the understanding that the Senator from Georgia will be recognized tomorrow, if he wishes to speak, I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business.

Mr. BARKLEY. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names:

Adams	Clark	Johnson, Calif.	Pepper
Andrews	Connally	Johnson, Colo.	Pittman
Ashurst	Copeland	King	Pope
Austin	Dieterich	La Follette	Radcliffe
Bailey	Donahay	Lewis	Reynolds
Bankhead	Duffy	Logan	Russell
Barkley	Ellender	Loneragan	Schwartz
Berry	Frazier	Lundeen	Schwellenbach
Bilbo	George	McAdoo	Sheppard
Bone	Gerry	McCarran	Shipstead
Borah	Gibson	McGill	Smith
Bridges	Gillette	McKellar	Steiwer
Brown, Mich.	Glass	McNary	Thomas, Okla.
Brown, N. H.	Guffey	Maloney	Thomas, Utah
Bulkeley	Hale	Miller	Truman
Bulow	Harrison	Minton	Tydings
Burke	Hatch	Moore	Vandenberg
Byrd	Hayden	Murray	Van Nuys
Byrnes	Herring	Neely	Wagner
Capper	Hill	Norris	Walsh
Caraway	Hitchcock	O'Mahoney	Wheeler
Chavez	Holt	Overton	

The PRESIDING OFFICER (Mr. MOORE in the chair). Eighty-seven Senators having answered to their names, a quorum is present.

#### EXECUTIVE MESSAGE REFERRED

The PRESIDING OFFICER laid before the Senate a message from the President of the United States submitting the nomination of Ramsey S. Black, of Pennsylvania, to be Third Assistant Postmaster General, vice Ellenberger, deceased, which was referred to the Committee on Post Offices and Post Roads.

#### THIRD ASSISTANT POSTMASTER GENERAL

Mr. McKELLAR. Mr. President, the nomination of Ramsey S. Black, of Pennsylvania, to be Third Assistant Post-



master General, vice Mr. Eilenberger, came in this morning. The Post Office Committee has been polled, with the exception, I believe, of the Senator from Vermont [Mr. Gibson], about the nomination. From the Committee on Post Offices and Post Roads, I ask unanimous consent to report the nomination favorably at this time, and I ask that the nomination be considered and confirmed.

The PRESIDING OFFICER. Without objection, the report will be received, and, without objection, the nomination is confirmed.

#### EXECUTIVE REPORTS OF COMMITTEES

Mr. McKELLAR, from the Committee on Post Offices and Post Roads, reported adversely the nomination of John P. Adair to be postmaster at Highlands, N. J., in place of J. P. Adair.

Mr. WHEELER, from the Committee on Interstate Commerce, reported favorably the nomination of George A. Cook, of Illinois, to be a member of the National Mediation Board for the remainder of the term expiring February 1, 1939, vice James W. Carmalt, deceased.

Mr. WALSH, from the Committee on Naval Affairs, reported favorably the nominations of several officers in the Marine Corps.

The PRESIDING OFFICER. The reports will be placed on the Executive Calendar.

If there be no further reports of committees, the clerk will state the nominations on the calendar in their order.

#### COLLECTOR OF INTERNAL REVENUE, WEST VIRGINIA

The legislative clerk read the nomination of F. Roy Yoke to be collector of internal revenue for the district of West Virginia, which nomination had been reported adversely.

Mr. BARKLEY. Mr. President, inasmuch as there is no controversy over the other nominations on the calendar, I suggest that this nomination be passed over until the others are acted upon.

The PRESIDING OFFICER. Without objection, the nomination will be passed over.

#### WORKS PROGRESS ADMINISTRATOR

The legislative clerk read the nomination of Will G. Metz to be State administrator for Wyoming.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

#### POSTMASTERS

The legislative clerk proceeded to read the nominations of several postmasters.

Mr. McKELLAR. I ask unanimous consent that the nominations of postmasters on the calendar be confirmed en bloc.

The PRESIDING OFFICER. Without objection, the nominations of postmasters are confirmed en bloc.

#### INTERSTATE COMMERCE COMMISSION

The legislative clerk read the nomination of Charles D. Mahaffie, of the District of Columbia, to be Interstate Commerce Commissioner.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

#### RAILROAD RETIREMENT BOARD

The legislative clerk read the nomination of Murray W. Latimer, of New York, to be a member of the Railroad Retirement Board.

The PRESIDING OFFICER. Without objection, the nomination is confirmed.

That completes the nominations on the calendar with the exception of the one passed over, which will now be stated.

#### COLLECTOR OF INTERNAL REVENUE, WEST VIRGINIA

The legislative clerk read the nomination of F. Roy Yoke, of Morgantown, W. Va., to be collector of internal revenue for the district of West Virginia, which had been reported adversely.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to this nomination?

Mr. HOLT. Mr. President, I assure the Senate I shall not take much of its time to discuss this nomination. I

speak at all only because some Senators have requested me to state my reasons for maintaining that the nomination is personally obnoxious to me.

I wish to say that Mr. F. Roy Yoke is personally obnoxious to me as a United States Senator from the State of West Virginia. I want it clearly understood that I am not interested in any way at all with the patronage involved. If the United States Senate shall not confirm Mr. Yoke my senior colleague [Mr. NEELY] will have control of naming the man who will be his successor. I wish to say further that if he be not confirmed there are 500,000 other Democrats in the State of West Virginia, any one of whom could be named for this position, and if I were called upon to state one other individual against whom I would raise the question of personal obnoxiousness I do not believe I could name that man at this time.

It has been a rule of the United States Senate that when a Senator states that a person nominated to an office confined to his State and his State alone is personally obnoxious to him the nomination should be rejected. It has not always upheld the contention if the nominee is named for an office in a district or to a Federal position beyond the confines of the particular State; but this nomination is to fill a position entirely within the State of West Virginia. Today I raise the question of personal obnoxiousness. Tomorrow what one of the 95 other Senators may not raise a similar question and expect to be upheld by the United States Senate?

I desire the Senate to understand something about the case and see if there is a single Member of the United States Senate who would not raise the same question under similar conditions. The person in question, Mr. Frank Roy Yoke, was superintendent of schools where I attended school in Weston, W. Va. While superintendent of schools he took great delight in attacking every individual in the Holt family. While I was a student only 12 years of age we were called to the assembly—we had assembly every week in the Weston School—I went to the school assembly, and there I sat, of course, as merely a young student in high school. Mr. Yoke, as superintendent of schools, got up before all the assembly, before all the students, and made the statement that "old Doc Holt ought to be lined up against a white wall and shot until his blood stained the wall." May I say that "Doc Holt," as he referred to him, is my father. I leave it to the Members of the Senate, if they were in my place, to say that such a man would not be personally obnoxious to them.

Mr. SCHWELLENBACH. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Washington?

Mr. HOLT. I am glad to yield.

Mr. SCHWELLENBACH. I notice in reading the report of the hearings that during the Senator's campaign in 1934 Mr. Yoke supported the Senator in his campaign and rendered some assistance. I should like to ask the Senator whether or not at that time he had knowledge of the fact that Mr. Yoke was supporting the Senator in the campaign?

Mr. HOLT. No; I did not have any particular knowledge of his support, except that I was told afterward that the Internal Revenue Department had become active for the party. This, however, is not a political matter; this is an incident that goes away beyond that, and I do not consider politics involved in it.

Mr. SCHWELLENBACH. The Senator has raised the question whether or not this man is personally obnoxious to him—and the rule relating to that matter is one for which I have a great deal of sympathy—but I do not think that the Senator should raise the question that a man is obnoxious to him and unfit to occupy a Federal position if he was not too obnoxious to him to accept his support in his political campaign.

Mr. HOLT. I may answer the Senator by saying that I have no control over what he did, and I may say publicly that I never once asked him, either by myself or through

any agent in my campaign, to support me either publicly or privately—never.

However, I wish to go ahead a little further and tell the Senate what this individual has done. He advocated the mobbing of my own mother and helped to institute a mob that did stone my mother and knock her down with rocks on the main street of Weston. Who in the United States Senate who has any manhood about him would not stand here and fight for his mother under such conditions as that and say that such a man was personally obnoxious to him? May I tell the United States Senate that Mr. Yoke told, with all the gleefulness that he could, that that was what ought to happen to a person who would dare not advocate America's entrance into the World War. Those are issues that are too deep for politics to become involved.

I have never asked a single individual to support me unless he thought that I was right in the principles I espoused. I think that everyone else with manhood would do the same as I have done.

I should like to read to the United States Senate a letter written by Mr. Anglin, formerly a teacher of the Weston High School, with 40 years' experience. Here is what he said in a letter to me.

Yours of the 9th instant received. In reply I beg to say that Roy Yoke when superintendent of the Weston High School made himself very repulsive in uttering vindictives against your father at assembly. He loved to display his animosity publicly, and even made an effort—

Listen to this—

and even made an effort to get your grades reduced in your classes. It was a hostility that I never before witnessed in my 40 years of high-school work.

Yours truly,

J. N. ANGLIN.

I may say that another teacher—whose name I do not intend to bring into this argument—told me that the same superintendent of schools went to him and asked that my grades be reduced so that I would not be on the honor roll in Weston High School.

I can throw that aside. I cannot, however, throw aside the fact that this man advocated the killing of my father because of a conscientious belief on my father's part.

Yes; my father was opposed to the World War. He was conscientiously opposed to it, and made no pretense that he was not. Yes; he did so; and just because of that conscientious belief, this Mr. Yoke said that my father ought to be lined up against a white wall and shot until his blood stained the wall. That remark seared my heart then, and it is still in my heart today. I do not think there is a real man in this body today whose heart it would not have seared had he heard it against his own parent.

When we look at these things, and note the incident, why should this man, and he alone, be named as collector of internal revenue in the State of West Virginia? To those who do not entirely follow the rule of personal obnoxiousness, let me say that I am sure all of you agree that any man who would go to that extent would not fairly and properly enforce the internal-revenue laws, but would use them as a weapon by which his enemies could be punished and his friends could be rewarded.

On the question of personal obnoxiousness, here is a letter I received from Illinois, from another man. He says:

As a native of Buckhannon—

Which is only a few miles from Weston—

I recall the bitter accusations that were passed against your father by Mr. Yoke during the war days.

Yes; the fact was so well known that this man recalls it now; and yet it is thought by some persons that I should sit idly by while a man is nominated who said that my father ought to be killed and my mother ought to be mobbed. I believe, and I think every Member of the Senate ought to have enough of manhood to stand up and say, and if I be the only one to stand on this ground I should be glad to go down to defeat because I think my mother and my father are worthy of my defense at any time and at any place.

Personal. What could be more personal? Some men raise questions of personal obnoxiousness because certain persons were opposed to them in campaigns. I do not carry personal obnoxiousness to that point; not at all.

I do not want to take the time of the Senate, but I do want the Senate to realize the facts I have stated; and I want to say that many, many, many instances show that Mr. Yoke has taken a great delight, not merely at that time during the war but since that time, in attacking each and every individual by the name of Holt. I believe that any man who, just because he disagreed with a person of that name, would carry his animosity to the extent of wanting his opponent killed, could not possibly believe in the protection of life, liberty, and pursuit of happiness. How could he swear to uphold the Constitution, which protects individuals in those rights, if he himself would kill a man for a difference of opinion upon that ground?

Upon that statement I rest my case and say that this man is personally obnoxious to me, and that I see no reason why the United States Senate should not uphold such a reason against his confirmation.

Mr. KING. Mr. President, will the Senator yield?

Mr. HOLT. I shall be glad to yield.

Mr. KING. As I understand the testimony—and I was chairman of the subcommittee of the Committee on Finance which examined into the matter—it appeared that Mr. Yoke was the teacher of the school in which the junior Senator from West Virginia was a student. I find in the testimony the following:

The antagonism—

That is, the antagonism to the father of the Senator, in part—

came when my father filed a protest against him for being drunk on duty as a member of the school system. One day, as I remember it, the school closed down and it was found Mr. Yoke was not able to be present.

I will ask the Senator whether any denial was made by Mr. Yoke, when he was on the stand before the subcommittee, of the charge that he was drunk at a time when he was a teacher, and that the school had to close down, and did close down because of that fact, and that the Senator's father preferred the charge against him because he was drunk as a teacher.

Mr. HOLT. No. I want to say that this particular individual was and had been drunk in many instances; and my father, as a patron of the schools, who had contributed taxes to that school for 50 years, and whose entire family had gone there, and who lives there today at the age of 87, was tired of seeing the school closed down because of the superintendent, through drunkenness, not being able to do his duty. The superintendent gave as his excuse that the engine was broken down; but my father found out that Mr. Yoke had broken down, due to drunkenness, and exposed that fact.

That was away back in 1915. From that day on he started to make this attack, and continue to make this attack. I want to say there are many things that I could tell the Senate about this particular man's record as to dishonesty and immorality as superintendent of schools and since that time, but I do not think it is necessary, since the question has been raised on the point that the man is personally obnoxious to me.

Mr. NEELY. Mr. President, let me, by way of prolegomena, invite the attention of Senators—particularly those on the Republican side of the aisle—to certain historical facts that some of them may have forgotten. During my first 8 years' membership in the Senate the Republican Party was in power and consequently in control of all Federal patronage. My West Virginia colleagues during these years were the distinguished Republican Senators Davis Elkins, Guy Goff, and Henry D. Hatfield. Within this period hundreds of West Virginians were, upon the recommendations of these Senators, nominated for Federal appointments to service in my State, and their nominations were sent here for confirmation.



Some of those who were nominated were politically hostile to me in the highest degree. Some of them had vigorously attacked me from the stump or through the columns of Republican newspapers. But never in a single case did I raise my voice or cast my vote against the confirmation of anyone who had been appointed upon the recommendation of one of these colleagues.

Throughout those years it was my opinion, and it is my opinion still, that the duly recognized dispenser of Federal patronage in his State should, in the absence of manifest inefficiency or glaring disability on the part of the appointee, be unhampered in the matter of choosing those of his constituents upon whom Federal appointments should be conferred.

And to what extent have I practiced the gospel I now preach? The answer to this question should, in my opinion, encourage considerable sympathetic cooperation with me in the case now before the Senate. Let me submit two concrete illustrations of my attitude toward appointments which were proposed by those who, at the time they were made, controlled the Federal patronage in West Virginia.

On a certain occasion a Republican President, upon the recommendation of Senator Guy Goff, nominated the Honorable Edward Brast, a prominent Republican politician, for collector of internal revenue for West Virginia. Mr. Brast had been involved in factional politics and had many enemies in his own party.

A highly influential Republican ex-prosecuting attorney of one of the most populous counties in West Virginia came to see me almost immediately after Mr. Brast's nomination had been made and offered to bring me a written pledge signed by 6,000 Republican voters of the counties of Wood, Wirt, Jackson, and Pleasants to the effect that they would support me in the next campaign if I would defeat, or vigorously endeavor to defeat, the confirmation which was advocated by my colleague, Senator Goff. My instant reply was that my colleague had been elected by the people of West Virginia for the purpose, among other things, of recommending to the President who should receive Federal appointments in West Virginia, and that notwithstanding the fact that I should be glad to have the 6,000 votes which were offered me, I could not, under a Republican administration, seriously consider a proposal to resist the confirmation of anyone who had been appointed upon the recommendation of Mr. Goff, who at that time was the senatorial spokesman for his party in my State.

On a later occasion, a prominent Republican woman was refused a reappointment as postmaster in a district which was then represented by a Democratic Member of the House. As the administration was Republican, my colleague, Senator Hatfield, controlled the appointment of this influential postmaster's successor. A Republican former Federal official, whose influence was important if not decisive in one of the counties of the Third Congressional District of West Virginia at that time, came to Washington and informed me that he resented Senator Hatfield's refusal to reappoint the lady postmaster and that if I would defeat the confirmation of her successor, he and his entire following would support me when I next ran for office. My reply to this offer was, in substance, identical with the reply that I had made to the offer of 6,000 votes for an effort on my part to defeat the confirmation of Mr. Brast.

Upon the solid foundation of fact, established by my 8 years of consistent conduct in the Senate in matters concerning the confirmation of those nominated by the President, I now stand and appeal to the entire membership of this body—regardless of politics—to confirm the nomination of Roy Yoke as collector of internal revenue for the State of West Virginia.

Mr. Yoke is in the prime of life. His natural ability, thorough education, long experience as a public servant, and unquestioned fidelity to the discharge of every moral, social, and official obligation preeminently qualify him to perform in a most satisfactory manner all the duties of the office to which the President has appointed him. Mr. Yoke holds the

degrees of bachelor of arts and bachelor of laws from the West Virginia University.

For 9 consecutive years he was superintendent of the free schools of Weston, the home city of the junior Senator from West Virginia. Eventually he voluntarily retired from school work to become the executive secretary of the West Virginia University Alumni Association. The duties of this office were to promote the interests of West Virginia's greatest institution of learning. The association, composed of prominent men and women of every political affiliation, occupation, profession, and religious belief, elected Mr. Yoke to discharge the important duties of this office for 10 consecutive years, during which time, to the best of my information, not a single complaint of any kind was ever made against him.

Mr. Yoke next became a candidate in Monongalia County for membership in the West Virginia House of Delegates. He was elected by a majority greater than any other member of his party had ever received in that county. During his service as a delegate he was generally recognized as one of the leaders of the lower house. While he was a member of the legislature he was elected governor of the twenty-fourth district of Rotary Clubs. He discharged the duties of that office to the entire satisfaction of all concerned.

Before Mr. Yoke's term as a member of the legislature expired he was made chief deputy collector of internal revenue for West Virginia, and held that office continuously from July 1, 1933, until he was, on the 1st day of October 1937, appointed collector of internal revenue for his State. The Honorable Guy T. Helvering, head of the Revenue Department, says, in substance, that Mr. Yoke, as a deputy collector, was highly efficient and that his service as collector has been thoroughly satisfactory in every particular.

Today no man in West Virginia stands higher than Mr. Yoke in public esteem. His character is without a spot; his reputation is without a stain. The spokesmen for practically all important business, labor, civic, and political organizations in West Virginia have volunteered to write or wire their approval of Mr. Yoke's appointment to the Members of the Senate. These offers, made both to Mr. Yoke and me, although deeply appreciated, have been uniformly declined, because we have believed that public endorsements are not necessary and that the messages conveying them would unjustifiably add to the burden of correspondence under which practically every Member of the Senate staggers every day and all day long.

Mr. Yoke's confirmation is opposed by the junior Senator from West Virginia on the grounds which are stated in the printed hearings and which the Senator has repeated on the floor this afternoon.

Let me digress for a moment to respond to the inquiry made by the Senator from Utah [Mr. KING], who presided over the hearings of the subcommittee. Mr. Yoke was not present when the junior Senator accused him of the intoxication to which the Senator from Utah referred a moment ago. Mr. Yoke did not learn of this accusation until he received a copy of the printed hearings. He then promptly wrote me that the charge was false, and that his school had never closed because of his having been under the influence of liquor.

Objection to the confirmation is based chiefly upon the charge that Mr. Yoke once said Dr. Holt, the father of the junior Senator, was a traitor to his country and ought to be shot or hanged. Although Mr. Yoke does not admit that he ever used this particular language, he does frankly concede that he severely criticized Dr. Holt soon after this country entered the World War.

Senators cannot judge equitably between Mr. Yoke and the members of the Holt family in the matter in question unless they know the background of the controversy.

According to a letter which Mr. Yoke has written me, the real trouble between Dr. Holt and him began about the year 1914, when Mr. Yoke, as superintendent of the schools of Weston, compelled Matthew Holt, the junior Senator's oldest brother, to repair or pay for some school property which Mr. Yoke asserts that Holt had wantonly defaced or destroyed.

Mr. Yoke says that ever since the time of this event he has been ceaselessly and relentlessly assailed by Dr. Holt, against whom God forbid that I should willingly say an unkind word. He and I opposed each other in two elections—one for the office of United States Senator; one for that of a Member of the House of Representatives. To the best of my recollection, he and I have never exchanged a single harsh word. But candor compels me to say that Dr. Holt is an unusually strong character and a man of the most positive, outspoken convictions. His life, ever since I have known him, has been one of perpetual turmoil. He has always courageously and unsparingly condemned, in most vigorous language, all those with whom he has disagreed.

Mr. Yoke avers that for about 7 years after the Matthew Holt difficulty, the doctor did everything in his power to have him removed from the superintendency of the Weston schools. But although the personnel of the Weston board of education changed from time to time, it continued to employ Mr. Yoke, as before stated, for 9 consecutive years.

But let us return to the objections to the confirmation, which are based upon Mr. Yoke's alleged observation that Dr. Holt ought to be shot or hanged as a traitor. The circumstances in which Mr. Yoke condemned Dr. Holt are as follows: On the 11th day of April 1917—5 days after this country had formally entered the war against Germany and her allies—Dr. Holt, according to the newspapers, said in a speech before a Socialist convention in St. Louis, "that he would not let his boy fight for the Stars and Stripes; that he had sent his boy to South America so that he would not have to go to war."

These utterances appeared on the front page of the Clarksburg Exponent, which then was and still is one of the leading daily newspapers of West Virginia. It then enjoyed and still enjoys a wider circulation in the city of Weston than any other daily paper. The caption of the article in which the foregoing quotation appears is in large black-face type and in these words: "Holt, of Weston, Spurns United States Flag as Socialists Cheer Him." The last paragraph of the article in question says:

Thomas Williams, of California, was hissed from the rear of the convention hall when he declared that he was an American. He said that the convention was too pro-foreign to do justice to Americanism and openly showed its pro-Germanism.

In order to refresh the memory of Senators concerning the extraordinary state of public opinion at the time Mr. Yoke is accused of having maligned Dr. Holt, attention is invited to a photostatic copy of the front page of the Clarksburg Exponent for the 3d day of April 1917—just before we entered the war—which contains, among other things, the banner announcement: "Pacifist Knocked Down by Senator Lodge When He Passes Lie to Him." Under that banner is the following—and I am sorry that the junior Senator from Massachusetts, who is a blood relative of the renowned historian and statesman, the late Henry Cabot Lodge, is not present at the moment to hear what I am about to read.

Pacifism and patriotism clash in the Capitol today on the occasion of the gathering of the new Congress.

It was a verbal clash in the earlier hours of the morning, when the throngs of peace advocates assembled about the great white pile on the hill and began their series of buttonholing attacks on the legislators but it culminated toward the middle of the afternoon in actual fisticuffs when the dignified Senator Lodge, of Massachusetts, resented parodies on the lips of one of the button-holers and called him a liar.

Alexander Bannward, of Boston, accompanying Mrs. Anna May Peabody, of Cambridge, had stopped at the Senator's private office in the course of the presentation of arguments to legislators. Senator Lodge politely told Bannward that he thought he needed no information as to the attitude of Massachusetts in the present international emergency.

"Anyone who wants to go to war at a time like this is a coward," Bannward hissed to the Senator.

Meaning Senator Lodge.

"You are a liar," crisply enunciated Senator Lodge.

By way of further acquainting Senators with the resentful environment in which Mr. Yoke made his alleged unkind re-

marks about Dr. Holt, I now read from the leading editorial in the Exponent for the thirteenth day of April 1917:

#### AN UNDERHANDED "HOLT"

"I sent my boy to South America so that he would not have to go to war," quoth Dr. M. S. Holt in a speech at St. Louis, April 11, 1917.

The Exponent is not prone to dignify traitors to the flag of this Nation with editorial discussion, but Dr. Holt lives and enjoys the blessings of freedom in our neighboring city of Weston, W. Va., and we take notice of his anti-American statements, as they were wired to the Exponent by the St. Louis Republic, on the same basis that it is sometimes necessary for a gentleman to step aside long enough to kick a dog!

But first let us give the predicate: "In a dramatic appeal to the gathering not to assist the United States in its war with Germany, Dr. M. S. Holt, of Weston, W. Va., today addressed the meeting of Socialists in convention at the Planters Hotel and was loudly cheered when he stated that he would not let his boy fight for the Stars and Stripes," says the dispatch from the Republic.

"I do not believe that the state can last in which Jesus and Judas have equal weight in public affairs," declared Carlyle to an American clergyman. The Exponent sometimes wavers in its faith of the perpetuity of American institutions when travesties on mankind are allowed to rear on their hind legs and deliberately insult the American flag even while that flag is being fired on by a hellish foe abroad and abused and dragged in the mire by copperheads, traitors, renegades, perfidious and disloyal folk like Holt at home.

We are a bit amazed at Weston folk—rather astonished that they permit a nuisance to go unabated in their midst. Are Westonians, yea West Virginians losing their patriotic pep? Has the unmatched, unafraid spirit of Stonewall Jackson, George A. Custer, Lewis Wetzel, and many thousand others who have marched from this domain in every war that the Nation has faced right up into the jaws of hell to fight for the old flag that makes such damnable counterfeits as M. S. Holt free, dead?

If the people of Weston do not keep M. S. Holt's son in South America and put a curb bit on M. S. Holt himself when he shows up there after he spilled that diarrhea of bunk and damnation in St. Louis, we shall be still more amazed. Any man who would utter such sentiments against the Nation that protects him when it is at war with a foreign foe should be strung up by the thumbs and attended to with a baseball bat.

The Exponent is not a hell-bender for war, but it is distinctly and everlastingly for the old flag, as Stephen Decatur once said, right or wrong—and the Exponent hopes that if it ever falls so low as to utter anything on the order of this flannel-mouthed copperhead of Weston that its tongue will cleave to the roof of its mouth and that its good right arm shall wither and die!

Mr. BAILEY. Mr. President, will the Senator yield?

Mr. NEELY. I yield.

Mr. BAILEY. The Senator is reading the newspaper statement. I wish that statement would be considered in the light of the statement made by Senator Holt appearing at the bottom of page 6 in the report:

Senator Holt. Of course, I realize the purpose of the evidence is to raise the question of patriotism and make it appear that my brother went to South America to get out of war. My brother did go to Mexico, but he enlisted in the draft and served in the United States Army, and has a very high recommendation from the Chief of Engineers of the United States for the work he did in the building of such camps as Camp Sherman, Camp Ticonderoga, and many other camps in the United States. My father was against the war, but he has emphatically said, not once but many times, that the statements attributed to him such as were alleged to have been made in St. Louis were not true statements.

So the young man did go to war.

Mr. NEELY. Yes; he did; and if I have time I shall read from a letter which states that Matthew Holt, the son in question, came back from South America, to which he had fled, when the feeling was running even higher against him than it ran in the month of April 1917, and became a member of a noncombatant organization, namely, the Engineering Corps. The only intimation that I have that he served with distinction is contained in the statement that has just been read by the Senator from North Carolina.

I beg the Senate to believe me when I assert that I have read this newspaper article not for the purpose of disparaging Senator Holt or his family.

I again digress long enough to say that no man ever had a finer mother than has Senator RUSH HOLT, but I cannot afford to have an innocent man crucified on the charges that are made against Roy Yoke in the circumstances of this case, no matter how noble the mother of the prosecutor may be.

Whether one voted for entrance into the war, as I did, or stood on the side lines and extolled it or condemned it in those feverish days of 1917—now, with 20 years' experience crying out to every sane man and woman in this weary old world with



the voice of an archangel that modern warfare is hell-born disaster to the human race and that it never settles any question right—those of us who voted for it 20 years ago would not vote for it in similar circumstances now. We would profit from the wisdom of this body's greatest Member, Senator NORRIS, of Nebraska, and the wisdom of that other equally great man—as great as any other that ever sat in this Chamber—the beloved "Battle Bob" La Follette, of Wisconsin, who so well knew and so clearly proved that we ought to stay out of the World War.

Many of us now wish that we also had voted against the war instead of voting for it. But I appeal to those who opposed it; even to those who may have shared the views of Dr. Holt, to put themselves in the place of Roy Yoke at the time he criticized the doctor 5 days after the war had been declared. If a man with the venerable Senator Lodge's habitual self-control was swept away, by the deluge of patriotic passion which was raging all over the land, to the extent that he had a fist fight with one of his pacifist constituents, who will dare to condemn Roy Yoke, who, in the enthusiasm of young manhood, is charged with having said, 5 days after we entered the war, that one should be shot or hanged as a traitor because of his opposition to this country in that great struggle?

Mr. BONE. Mr. President, will the Senator yield?

Mr. NEELY. I yield.

Mr. BONE. As I read this record it is not quite clear whether Mr. Yoke, who felt quite passionately about the war, served in the Army during the war. Did he?

Mr. NEELY. No, Mr. President.

Mr. NORRIS. Mr. President, it is impossible for us on this side of the aisle to hear what the Senator from Washington is saying.

Mr. BONE. Mr. President, I was asking the Senator from West Virginia whether Mr. Yoke, who felt quite passionately about the war, served in the Army during the war.

Mr. NEELY. No; he was the head of a family at that time, as he is now.

Mr. President, I implore Senators to vote on this question in the light of the situation that existed on the 12th day of April 1917. In every community in the land banners were waving, bugles were sounding, drums were throbbing, and patriotic speeches were being made on every corner. Every band was playing the wild, weird music of war.

Four million American boys who were not too proud or too cowardly to fight, whose fathers would not send them to South America to prevent them from defending the flag—4,000,000 boys in the morning time of life, with every door in the world of infinite opportunity open wide to receive them, with every breeze bringing them promises of future glory—unlike Dr. Holt's boy Matt—came forward from the quiet walks of peace and laid their last hope and their last ambition upon the altar of their country and went forth to sacrifice, to suffer, and to die for the honor of their native land.

They went beyond the sea to battle for America and the great Government for which it stands—until German Kaiser, Austrian Emperor, and Turkish Sultan had been conquered or scourged from their blood-stained thrones, and the peace of the world had been reestablished upon a foundation which we all then believed or hoped would be as enduring as the everlasting hills.

No matter how unspeakably disappointed we have been by the results of that war; in spite of the fact that we now know there is no finality in any decision that is rendered by roaring cannon or piercing bayonet or poisonous gas; although we now know that those who live by the sword must sooner or later die by the sword, we did not know it then.

The statements attributed to Mr. Yoke concerning Senator Holt's father would, of course, be offensive to any son who had even a scintilla of self-respect; but the people of West Virginia are always generous; they forgot the charges that were made against Dr. Holt; they forgot that his son had been sent to South America or had gone there to evade service in the Great War. The wounds which had been inflicted in the time of strife had long since healed, and, so far as anything that

had transpired in that great struggle was concerned, West Virginians were at peace with all the members of the Holt family.

Not those who nailed the Savior to the cross inflicted the greatest pain upon the only perfect Man, but the miscreant who stuck the spear into his Savior's suffering side was the one who caused him the greatest agony and heaped the greatest infamy upon himself and the human race to which he belonged. The young man from Weston has, as a result of the hatred he has carried smoldering in his breast for more than 20 years, by means of this contest, given more publicity to the alleged disloyalty of which his father was long the storm center than could have been given it in any other manner in a hundred years.

In all the extraordinary friction there has been between the junior Senator from West Virginia and me, I have never assailed him here and shall never do so, except in self-defense.

I have never washed the soiled political linen of my State in this Chamber, and I hope that I may never willingly descend to that degrading conduct. But I must say that I would not, for all the gold in the world, have thrust the spear of unfavorable and humiliating notoriety into my father's side as it has been thrust into the side of Dr. Holt by the action of his own flesh and blood in this unhappy and unnecessary controversy.

Mr. Da Costa Smith, who was in 1917 a member of the board of education in Weston and also a member of the draft board of Lewis County, writes me that until the Senator's charge appeared in the newspapers he had never heard it and that he did not know anybody in the city of Weston who ever had heard that Mr. Yoke had been accused of saying that Dr. Holt should be stood up against a stone wall and shot or that he should be hanged.

I have a letter from another teacher of the Weston school to the effect, that while he knows nothing about what Mr. Yoke may have said to the teacher whose statement the junior Senator from West Virginia has read, Mr. Yoke did on one occasion, in an assembly, state to the teachers, "I want you, if possible, to give every member of the Holt family a passing grade."

Today, in spite of what has been said in disparagement of Mr. Yoke, in spite of the fact that he has been accused of having drunk intoxicating liquor in days gone by, I assure the Senate that he has been a teetotaler for a number of years.

Mr. HATCH. Mr. President, will the Senator yield at that point?

Mr. NEELY. Yes.

Mr. HATCH. It is a point in which I am very much interested, and I was called out when the senior Senator from West Virginia was speaking, and I do not know whether he touched on it. I desire to know if there has been any serious objection raised as to the qualification and fitness of this man to hold the office. Has any one raised any question on that point?

Mr. NEELY. No; the only objections are those that have been stated here this afternoon.

Mr. BONE. Mr. President, will the Senator yield for a question?

Mr. NEELY. Yes.

Mr. BONE. To those of us who know nothing of conditions in West Virginia, it seems logical to assume that whatever bitterness and controversy grew out of the conditions the Senator describes all of that bitterness and that controversy seem to have abated and become completely cold, in light of the fact that the son of Dr. Holt was elected to the United States Senate from the State of West Virginia. That would seem to indicate that, if any bitterness existed there, it has long since ceased to exist. Am I right in so assuming?

Mr. NEELY. That is entirely true.

Mr. BARKLEY. Mr. President—

The PRESIDING OFFICER. Does the Senator from West Virginia yield to the Senator from Kentucky?

Mr. NEELY. I gladly yield to the Senator from Kentucky.

Mr. BARKLEY. What I wanted to inquire about was touched on by the Senator from New Mexico [Mr. HATCH].

Of course, all of us who are old enough to have observed anything that occurred during the World War, those of us who were here in Congress and who voted for or against the declaration of war can recall the high tension that existed at that time, 20 years ago, among those who favored our entry into the war and those who opposed it. I suppose there is scarcely a county in the country in which there were not large or small groups of people who were not in sympathy with the policies of President Wilson leading up to and at the time we entered into the war and subsequent thereto, and in which there were not the same sort of bitter controversy and denunciation which seem to have existed in West Virginia.

Of course, many people, I dare say, then said things and gave utterance to sentiments in the high tension of the war atmosphere that they would not now repeat or which they have since then regretted. But, casting that aside, I should like to know a little more about what this man has been doing, what his occupation has been since the war and during the last 18 or 20 years. What has his occupation been? What has he done that would indicate his qualifications for the position to which he has been nominated?

Mr. NEELY. I stated that earlier in my address, but evidently the Senator from Kentucky did not hear me.

Mr. BARKLEY. The Senator said that following this incident Mr. Yoke remained for 9 years superintendent of schools in Weston. Was that by popular election or by the action of the board?

Mr. NEELY. That was by election by the board of education, the personnel of which changed many times during the 9 years, and on seven of those occasions, according to my reports, Dr. Holt vigorously opposed Mr. Yoke's election as superintendent of schools.

Mr. BARKLEY. How were the members of the board of education selected?

Mr. NEELY. They were elected by the people.

Mr. BARKLEY. Following the 9-year period during which Mr. Yoke was superintendent of public schools in Weston, what has he done since then?

Mr. NEELY. For the next 10 years he was the executive secretary of the alumni association of West Virginia University, and the service of that official was to further the interests of the West Virginia University, to visit high schools and urge graduates to go to the university to complete their education. For that service the legislature appropriated a substantial salary.

Mr. BARKLEY. How was he selected for that position?

Mr. NEELY. He was selected by the vote of the alumni association, made up of people of every shade of political opinion and religious belief.

Mr. BARKLEY. Was that a position which was supposed to have some connection with the university and its advancement?

Mr. NEELY. The sole purpose of that office was to further the interests of the West Virginia University.

Mr. BARKLEY. That accounts for 19 years since 1917. Since he relinquished that work with the university what has been his occupation?

Mr. NEELY. In the fall immediately following the time when the legislature ceased to make an appropriation to pay the salary of the executive secretary of the alumni association Mr. Yoke became a candidate for membership in the House of Delegates of West Virginia, and he was elected in Monongalia County by a greater majority than any other member of his party had ever received.

He served through a full session of the legislature. Before the expiration of his 2-year term he was made chief deputy revenue collector for the State of West Virginia, and Mr. Commissioner Helvering says that in this office he was efficient and that his services were entirely satisfactory to all concerned.

Mr. BARKLEY. Did he hold that position until he was nominated by the President for the position of collector of internal revenue?

Mr. NEELY. He held that position until he was given the nomination which is now before the Senate for confirmation.

Mr. President, let me make this brief reply to the deduction that might be drawn from the statement of the junior Senator that nobody else in West Virginia whom he could now think of would be opposed by him on the ground of personal obnoxiousness. Regardless of how that may be, the members of the Post Office Committee know that during the last session, which ended just before Christmas, there were 12 postmasters nominated from West Virginia. And by the way, I see one of the distinguished Members of the other House, Mr. RANDOLPH, on whose recommendation one of those nominations was made by the President, now sitting in the rear of the Hall.

Those nominations were sent here for confirmation. The junior Senator from West Virginia, who was at Weston, and who was reported ill, by telegraph or otherwise called on the Senator from Tennessee [Mr. McKELLAR], the chairman of the committee, to hold up every one of them until he could return here, presumably to resist them.

After a month of waiting for the objections that never came, the Senator from Tennessee sent to the junior Senator from West Virginia a message to the effect that unless specific objections were made, confirmation would be in order. I saw the answer which the junior Senator from West Virginia sent to the Senator from Tennessee. I shall not attempt to quote its exact words, but, among other things, it said in effect:

Your cheap political message received.

Please transport yourselves on the wings of imagination for a moment to a former session of the Senate. When the members of the Bituminous Coal Commission were appointed, the junior Senator from West Virginia for days held up the confirmation of all of them, despite the fact that only one of the number was from West Virginia.

When, on my recommendation, Harry Watkins, one of the best qualified and most deserving men of West Virginia, was nominated for judge of a district court of the United States for West Virginia, the junior Senator refused to give his permission to have the nomination brought to the floor of the Senate until after it had lain before the Committee on the Judiciary for the period of 7 days, required by the rule.

If the objections to Mr. Yoke are sustained, then, during the continuance of the junior Senator from West Virginia in this body—which will be until January 1941—no one should hope to have confirmed a single nomination of a member of the American Legion from West Virginia, because there is probably not a Legionnaire in the State who has ever heard of Dr. Holt's opposition to the war after we had entered it who has not said at least as much as Mr. Yoke said against the Senator's father; and many of them have said much more, and in language that could not be repeated here without violating the rules of the Senate.

In my opinion, there are not 500 persons in the county in which Dr. Holt lives against whom there could not be made the same charges and the same objections that have been made against Mr. Yoke. In my opinion, there are not 2,000 persons in the State of West Virginia who had reached the age of maturity at the time of the World War against whom the same or more vigorous charges could not be truthfully made.

Members of the Senate, for 13 years I have served in this body with a large number of those present. For more than 21 years I have served with a number of you, here and in the House of Representatives. Without attributing to myself—the most erring creature on earth—a single virtue, I earnestly ask those of you with whom I have served whether my conduct or my relationship with you has been such as to impel you to vote against Mr. Yoke, whom I have chosen, and thereby cause my constituents to propound to you the inquiry: "Is our servant the senior Senator a dog, that in the circumstances of this case you have embarrassed him by helping to satisfy an unholy longing for revenge that has been harbored against a noble man for 20 years?"



Do not be deceived about an alleged injury to one's father 20 years ago. Roy Yoke is the father of three children—one, a beautiful young lady in West Virginia University, soon to be graduated from that institution; another, a young man soon to be graduated from high school; another who is in a grammar school. Think of these children and their father when you vote. Last Sunday Mr. Yoke's mother celebrated her eighty-second birthday. Do not commit an unpardonable sin against those children and that 82-year-old mother and the talented, faithful wife of Roy Yoke by voting against a father, son, and husband whom they dearly love.

Let me entreat you not to vote for revenge—an all-consuming passion for which has destroyed the young man's health and kept him in the hospital much of the time since he was elected to this body; a passion which, if perpetuated, will cost him his life before he has lived out half of his allotted three score years and ten.

Let me implore you, in the words of the Prophet Amos, not to turn judgment to wormwood in the Senate this afternoon, but to let judgment run down as waters, and righteousness as a mighty stream.

Mr. BAILEY. Mr. President, the chairman of the Committee on Finance designated me to make this adverse report to the Senate. I rise to sustain the report.

There are only two questions involved here, and there can be only two questions. One is, Did Mr. Yoke make the statement attributed to him and complained of by the junior Senator from West Virginia [Mr. Holt]? The other is, Was the statement sufficient to justify the objection of personal obnoxiousness? The lapse of time, the relationship of the Senators, the sentimental appeals, are all out of the window, so far as I am concerned.

Let me take the first question first. Did Mr. Yoke make the statement? There is no question that he did. Here is the record. Here is the testimony of the complaining Senator:

I am objecting to him on the ground of personal obnoxiousness.

Here is the accusation:

Mr. Yoke was superintendent of schools in Weston, W. Va., my home city, when I was a child. He and my father became enemies. That was about the time of the late World War. My father was opposed to that war and the fact of his opposition was generally known. Although I was only a child—I was just 14 when I graduated from high school—I remember one time when he had an assembly—

That is, Mr. Yoke, the superintendent, had an assembly—and we had one every week in Weston High School, and I went to assembly as part of the school work, this Mr. Yoke got up before the entire student body and made this statement about my father, "Old Doc Holt ought to be lined up against a white wall and shot until his blood stained the wall."

Did Mr. Yoke say it? If he said it, I will recall the testimony of the senior Senator from West Virginia [Mr. NEELY] to sustain my proposition that that is personal obnoxiousness. Let us see if he said it.

Here is the testimony in the form of an extract from a letter submitted by the junior Senator from West Virginia before the subcommittee:

Yours of the 9th instant received. In reply I beg to say that Roy Yoke when superintendent of the Weston High School made himself very repulsive in uttering vindictives against your father at assembly. He loved to display his animosity publicly and even made an effort to get your grades reduced in your classes.

That is simply corroborative. Now, let us see what Mr. Yoke says.

Mr. Yoke does not deny it, but in substance admits it. The senior Senator from West Virginia put this question to Mr. Yoke before the committee:

I do not attempt to quote Senator Holt's words exactly, but I quote what I understand to be the substance of his objection to you, Mr. Yoke. Mr. Holt says that when you were superintendent of the Weston schools in his home town, about the time of the World War, before an assembly of students and public citizens besides, I assume, you made the following statement before the whole crowd [reading]:

"Old Doc Holt ought to be stood up before a wall and shot until his blood stained the wall."

What have you to say about that?

Mr. Yoke. I do not know whether I remember making a statement of that kind; making that statement in the way it was framed.

As much as to say, "The substance of it is true. I did not put it in just those words; the question is not framed right," but he does not deny it.

Senator NEELY. I think we might frankly tell the committee what your feeling was and what your attitude toward Dr. Holt's position with regard to the war was.

Senator KING. I would like to ask him what did he say at that meeting to which Senator Holt referred and to which Senator NEELY also referred.

Mr. Yoke. I cannot remember what I said. I know that I did say some things about the attitude of Dr. Holt during wartime.

Now, let us go further in Mr. Yoke's own testimony:

This is a question from Senator NEELY:

Have you anything further to say about the statement I have made before the committee?

Mr. Yoke. I do not want to convey the impression to the committee I did not criticize Dr. Holt; I did. But I was simply expressing in my futile way the thoughts of the great majority of the citizens of our section of the State out there.

Still no denial, but extenuating on the ground that he was reflecting public opinion.

Senator NEELY. Mr. Holt further stated before you came in, in effect, that you said on either that occasion or some other occasion, and I believe a different occasion, that in time of war disloyal soldiers or spies were not shot but hanged and that Dr. Holt should be hanged; have you anything to say in regard to that?

Mr. Yoke. I think I know procedure well enough to know that spies are shot. If I made any reference to Dr. Holt along that line, I said he should be shot.

In the other statement he had just said that he did make a reference to him. Now he says that if he did make a reference he said he should be shot, so I take it that the man himself stated that he said the father of the junior Senator from West Virginia ought to be shot.

Senator NEELY. You do not deny it?

Mr. Yoke. No, sir; I do not, because I do not remember.

He has remembered now; he has now admitted that if he said anything about him he said he should be shot, and in the other testimony he did say he said something about it, but that he was reflecting the opinion in the community.

Mr. President, that is not all. I read further:

Senator KING (interposing). Do you desire to ask the witness any questions, Senator Holt?

Senator Holt. You admit, Mr. Yoke, that you did abuse and attack my father in Weston?

Mr. Yoke. I admit this: That I said the same things in my way about his war conduct that the other people of that vicinity were saying; if that is abuse and attack, I abused and attacked him.

That is sufficient. We have the testimony of the junior Senator from West Virginia, which is unquestioned; we have the corroboration in the extract of the letter, and there is no contradiction of that, and we have three separate statements from Mr. Yoke himself, in none of which he denies that he made the statement. Taking the three together, we are bound to reach the conclusion that he did say it; at least he himself said that Mr. Holt's father should have been shot.

The question arises at once, Is that sufficient ground for the rejection of the nomination? I come to that on the testimony of the senior Senator from West Virginia, with which I thoroughly agree. As I recall his statement, he said just now that any son of a father would resent a statement such as this attributed to Mr. Yoke concerning his father so long as he had a scintilla of self-respect. I fully agree.

Mr. President, that is all there is here for me to pass on. Was the statement made? The witness accused admits it. Does the statement justify the objection of personal obnoxiousness? If it does not, then let us throw the rule as to personal obnoxiousness out of the window, and never let it come back here again.

So far as I am concerned, that is the whole case.

I do not care to become involved in the difficulties between any Senators. I do think that if we are to sustain the unwritten law of the Senate known as the personal obnoxiousness rule we have to apply it equally here amongst Senators.

Republicans cannot deprive Democrats of its privilege, and Democrats cannot deprive Republicans of its privilege. It is a rule which rises above the courtesies we owe to every Senator. When it is invoked by a Senator, the whole question in my mind is, is his action arbitrary, is it political? If so, I would have a right to reject it. But if it is well founded, then my respect for the Senate rule, a sense of my own self-protection under similar conditions, commands me to sustain the rule.

I take this position with regard to any Senator. It is not a matter of party, it is not a matter of patronage, it has no relationship to patronage. The Senate can make an exception in this case, and if it makes an exception, then it sets a precedent, and I should think that the rule would go.

I rather think it is best that the rule should not go. It has been a rule of the Senate a long time. I have never felt that we should exercise it arbitrarily. I have never felt that a Senator should have the right to deprive a man of an appointment just as a matter of his own will, but I do feel that when an appointment is sent to the Senate from a State and either Senator from the State files an objection based on personal obnoxiousness and reasonably sustains it, the whole rule is at stake, and we cannot judge between Senators.

I pass no judgment here between these two Senators. I am not taking sides against the senior Senator. I am merely taking sides for the equal application of the rule. I would take sides in behalf of the junior Senator from West Virginia as quickly as I would for any other Senator, but no more quickly.

If I am right about this, we have no recourse but to sustain the adverse report of the committee.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of F. Roy Yoke to be collector of internal revenue for the district of West Virginia?

Mr. NEELY. I ask for the yeas and nays.

The yeas and nays were ordered, and the Chief Clerk proceeded to call the roll.

Mr. AUSTIN (when his name was called). I announce my general pair with the Senator from Louisiana [Mr. OVERTON] and withhold my vote.

Mr. CONNALLY (when his name was called). On this vote I have a pair with the Senator from Ohio [Mr. BULKLEY], who is absent. If the Senator from Ohio were present, he would vote "yea." If I were permitted to vote, I should vote "nay."

Mr. JOHNSON of Colorado (when his name was called). On this vote I am paired with the junior Senator from Kentucky [Mr. LOGAN]. If the Senator from Kentucky were present and permitted to vote, he would vote "yea." If I were permitted to vote, I should vote "nay."

Mr. McKELLAR. I have a general pair with the senior Senator from Delaware [Mr. TOWNSEND], which I transfer to the junior Senator from New Jersey [Mr. SMATHERS], and vote "yea."

Mr. McNARY (when his name was called). I have a general pair with the junior Senator from Oklahoma [Mr. LEE]. Not knowing how he would vote, in his absence, I withhold my vote.

Mr. STEIWER (when his name was called). On this vote I have a pair with the senior Senator from Maryland [Mr. TYDINGS], who is detained from the Chamber. Not knowing how he would vote if present, I withhold my vote.

The roll call was concluded.

Mr. LEWIS. I announce that the Senator from Rhode Island [Mr. GREEN], the Senator from Delaware [Mr. HUGHES], and the Senator from New Jersey [Mr. SMATHERS] are absent from the Senate because of illness.

The Senator from Colorado [Mr. ADAMS], the Senator from Ohio [Mr. BULKLEY], the Senator from Missouri [Mr. CLARK], the Senator from Virginia [Mr. GLASS], the Senator from Louisiana [Mr. OVERTON], and the Senator from Kentucky [Mr. LOGAN] are unavoidably detained.

The Senator from New York [Mr. COPELAND], the Senator from Connecticut [Mr. MALONEY], and the Senator from Montana [Mr. WHEELER] are detained in committee meetings.

The Senator from Georgia [Mr. GEORGE], the Senator from Connecticut [Mr. LONERGAN], and the Senator from Georgia [Mr. RUSSELL] are detained in Government departments.

The Senator from Ohio [Mr. DONAHEY], the Senator from Oklahoma [Mr. LEE], the Senator from Minnesota [Mr. LUNDEEN], the Senator from Wyoming [Mr. O'MAHONEY], the Senator from Maryland [Mr. TYDINGS], and the Senator from Massachusetts [Mr. WALSH] are absent on important public business.

Mr. AUSTIN. I announce the following general pairs:

The Senator from Minnesota [Mr. SHIPSTEAD] with the Senator from Virginia [Mr. GLASS].

The Senator from Michigan [Mr. VANDENBERG] with the Senator from Rhode Island [Mr. GREEN].

The Senator from Pennsylvania [Mr. DAVIS] has a pair with the Senator from Connecticut [Mr. MALONEY]. The Senator from Pennsylvania is necessarily absent.

Mr. LA FOLLETTE. On this vote I have a special pair with the junior Senator from Delaware [Mr. HUGHES], who is detained from the Senate on account of illness. I am advised that if present he would vote "yea." If I were at liberty to vote, I should vote "nay."

The result was announced—yeas 46, nays 15, as follows:

#### YEAS—46

Andrews	Dieterich	McAdoo	Radcliffe
Ashurst	Duffy	McGill	Reynolds
Bankhead	Ellender	McKellar	Schwartz
Barkley	Gibson	Miller	Schwellenbach
Berry	Gillette	Minton	Sheppard
Bilbo	Guffey	Moore	Thomas, Okla.
Bone	Hatch	Murray	Thomas, Utah
Brown, Mich.	Hayden	Neely	Truman
Brown, N. H.	Herring	Norris	Van Nuys
Bulow	Hill	Pepper	Wagner
Caraway	Hitchcock	Pittman	
Chavez	Lewis	Pope	

#### NAYS—15

Bailey	Byrnes	Harrison	Lodge
Bridges	Frazier	Holt	McCarran
Burke	Gerry	Johnson, Calif.	Smith
Byrd	Hale	King	

#### NOT VOTING—35

Adams	Donahay	Loneran	Smathers
Austin	George	Lundeen	Stelwer
Borah	Glass	McNary	Townsend
Bulkley	Green	Maloney	Tydings
Capper	Hughes	Nye	Vandenberg
Clark	Johnson, Colo.	O'Mahoney	Walsh
Connally	La Follette	Overtton	Wheeler
Copeland	Lee	Russell	White
Davis	Logan	Shipstead	

So the nomination of F. Roy Yoke to be collector of internal revenue, West Virginia, was confirmed.

Mr. BANKHEAD. Mr. President, I move that the vote by which Mr. Yoke's nomination was confirmed be reconsidered.

Mr. NEELY. Mr. President, I move to lay that motion on the table.

The VICE PRESIDENT. The question is on the motion of the Senator from West Virginia.

The motion to lay on the table was agreed to.

#### LEGISLATIVE SESSION

Mr. BARKLEY. I move that the Senate resume the consideration of legislative business.

The motion was agreed to; and the Senate resumed legislative business.

#### RECESS

Mr. BARKLEY. I move that the Senate take a recess until 12 o'clock noon tomorrow.

The motion was agreed to; and (at 4 o'clock and 48 minutes p. m.) the Senate took a recess until tomorrow, Wednesday, January 12, 1938, at 12 o'clock meridian.

#### NOMINATION

*Executive nomination received by the Senate Tuesday, January 11 (legislative day of January 5), 1938*

#### THIRD ASSISTANT POSTMASTER GENERAL

Ramsey S. Black, of Pennsylvania, to be Third Assistant Postmaster General, vice Eilenberger, deceased.



### CONFIRMATIONS

*Executive nominations confirmed by the Senate January 11 (legislative day of January 5), 1938*

#### THIRD ASSISTANT POSTMASTER GENERAL

Ramsey S. Black to be Third Assistant Postmaster General.

#### COLLECTOR OF INTERNAL REVENUE

F. Roy Yoke to be collector of internal revenue for the district of West Virginia.

#### WORKS PROGRESS ADMINISTRATOR

Will G. Metz to be State administrator in the Works Progress Administration for Wyoming.

#### INTERSTATE COMMERCE COMMISSIONER

Charles D. Mahaffie to be an Interstate Commerce Commissioner.

#### RAILROAD RETIREMENT BOARD

Murray W. Latimer to be a member of the Railroad Retirement Board.

#### POSTMASTERS

##### NEW JERSEY

Peter J. Egan, Montclair.  
William Dudley Carleton, Ringwood Manor.  
Walter W. Lance, White House Station.

##### NEW YORK

Frances H. Courtney, Wilmington.

## HOUSE OF REPRESENTATIVES

TUESDAY, JANUARY 11, 1938

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Infinite God, out of the vastness of a Father's love let there come patience to still us, strength to help us, and faith to guide us. O love unmeasured, restrain us from making the downward step; in humility of soul and in the spirit of sacred awe may we touch the hem of Thy holy garment. Life's final achievement is to grow in grace and in the knowledge of our Lord and Savior. We pray Thee in these days as we turn the bend in our Nation's history to bless us with a strange power that shall enable us to set problems in their right relation. O wisdom of God, come throbbing in upon the present and unfold to us Thy long, long purpose for humanity. May our country be led into Thy righteous morning, and let all discouragements spend their sighs upon the night winds. Through Jesus Christ our Lord. Amen.

The Journal of the proceedings of yesterday was read and approved.

#### RESIGNATION OF MEMBER

The SPEAKER. The Chair lays before the House the following resignation:

JANUARY 11, 1938.

HON. W. B. BANKHEAD,

*Speaker of the House of Representatives, Washington, D. C.*

MY DEAR MR. SPEAKER: I beg to inform you that I have this day transmitted to the Governor of Alabama my resignation as a Representative in the Congress of the United States from the Second District of Alabama.

Respectfully,

LISTER HILL.

#### RESIGNATION FROM COMMITTEE

The SPEAKER. The Chair lays before the House the following resignation from committee:

JANUARY 8, 1938.

The Honorable WILLIAM B. BANKHEAD,  
*The Speaker, House of Representatives.*

DEAR MR. SPEAKER: I herewith tender my resignation as a member of the Committee on World War Veterans' Legislation.

Respectfully,

CHARLES A. BUCKLEY.

The SPEAKER. Without objection, the resignation will be accepted.

There was no objection.

#### BOARD OF VISITORS, COAST GUARD ACADEMY

The SPEAKER. The Chair lays before the House the following letter from the chairman of the Committee on Merchant Marine and Fisheries:

JANUARY 6, 1938.

HON. WILLIAM B. BANKHEAD,

*Speaker of the House of Representatives, Washington, D. C.*

MY DEAR MR. SPEAKER: Pursuant to the act of April 16, 1937 (Public, No. 38, 75th Cong., 1st sess.), I have appointed for the remainder of the third session of the Seventy-fifth Congress the following members of the Committee on Merchant Marine and Fisheries to serve as members of the Board of Visitors to the United States Coast Guard Academy: HON. LINDSAY C. WARREN, HON. EDWARD J. HART, HON. RICHARD J. WELCH.

As chairman of the Committee on Merchant Marine and Fisheries I am authorized to serve as an ex officio member of the Board.

Yours very sincerely,

S. O. BLAND, *Chairman.*

#### PERMISSION TO ADDRESS THE HOUSE

Mr. COX. Mr. Speaker, I ask unanimous consent that on tomorrow after completion of the legislative program for the day I may be permitted to address the House for 30 minutes.

The SPEAKER. Is there objection to the request of the gentleman from Georgia?

There was no objection.

#### LEAVE OF ABSENCE

Mr. BUCK. Mr. Speaker, I ask unanimous consent to proceed for 30 seconds.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. BUCK. Mr. Speaker, on yesterday, due to his sense of patriotic duty, my colleague, the gentleman from California, Mr. COSTELLO, appeared in the House to vote on a measure of the utmost importance to the Nation. By doing so he undoubtedly canceled the indefinite leave of absence which has been granted him heretofore.

Mr. Speaker, I ask unanimous consent that the gentleman from California [Mr. COSTELLO] may be granted further indefinite leave of absence.

The SPEAKER. Is there objection to the request of the gentleman from California?

There was no objection.

Mr. COX. Mr. Speaker, I make the same request on behalf of the gentleman from Georgia, Mr. WHELCHER, who appeared yesterday under similar circumstances.

The SPEAKER. Without objection, indefinite leave of absence will be granted to the gentleman from Georgia [Mr. WHELCHER].

There was no objection.

#### EXTENSION OF REMARKS

Mr. THOMPSON of Illinois. Mr. Speaker, I ask unanimous consent that my colleague the gentleman from Illinois [Mr. LUCAS] may be permitted to extend his remarks in the RECORD by including an address delivered by the Honorable Louis Johnson, Assistant Secretary of War, at Los Angeles on January 5.

The SPEAKER. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. TAYLOR of Tennessee. Mr. Speaker, I ask unanimous consent to extend my remarks on the subject of the recent so-called Andrew Jackson dinner.

The SPEAKER. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

#### ANNOUNCEMENT

Mr. OLIVER. Mr. Speaker, I wish to announce that my colleague the gentleman from Maine, Mr. SMITH, was unavoidably detained from the session of the House yesterday because of illness. I was unable to obtain a live pair for him in support of the resolution to discharge the Rules Committee from consideration of the Ludlow resolution. Had he been present he would have voted "yea" on that resolution.